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of Transportation
**Federal Aviation
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Western-Pacific Region
Airports Division

Federal Aviation Administration
P.O. Box 92007
Los Angeles, CA 90009-2007

February 23, 2008

Mr. Randall H. Walker
Director of Aviation
Clark County Department of Aviation
P.O. Box 11005
Las Vegas, Nevada 89111-1005

Dear Mr. Walker:

Proposed Southern Nevada Regional Heliport
Finding of No Significant Impact and Record of Decision

Enclosed is one copy of the signed Finding of No Significant Impact (FONSI) and Record of Decision (ROD), for the proposed Southern Nevada Regional Heliport for your information and files. We wish to thank you and your staff for your help in completing this action. This letter notifies you that the proposed project has complied with the National Environmental Policy Act of 1969 only. This is not a notice of final project approval or federal funding availability.

In accordance with FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions*, you are required to publish a notice of availability of the FONSI in the local newspaper. We have included a sample public notice that you may use. We suggest that the public notice be published two times. Please provide a copy of the proof of publication of the notice to this office for our files.

Please call me at 310/725-3615 if you have any questions on this matter.

Sincerely,

David B. Kessler, AICP
Regional Environmental Protection Specialist

Enclosures

Cc: SFO-600, APP-400, AWP-7
T. Arnold - CCDOA
J. Jacquart - CCDOA

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U.S. DEPARTMENT OF TRANSPORTATION -FEDERAL AVIATION ADMINISTRATION

CLARK COUNTY DEPARTMENT OF AVIATION

Finding of No Significant Impact and Record of Decision

Proposed Southern Nevada Regional Heliport

Clark County, Nevada

NOTICE OF AVAILABLITY

Pursuant to Title 49, United States Code, § 47106(c)(1)(A), The Federal Aviation Administration (FAA) has announced that a "Finding of No Significant Impact" (FONSI) has been approved based upon results of a Final Environmental Assessment prepared in December 2008 for the proposed Southern Nevada Regional Heliport south of Sloan, Nevada immediately east of Interstate Highway 15. Such development includes: Site preparation, grading and installation of drainage structures, paving, marking and lighting of helicopter parking areas, taxiways and four Final Approach and Takeoff Areas to accommodate about 80 based helicopters with expansion capability for additional helicopters. The proposed heliport will accommodate Grand Canyon helicopter tour operators and will relieve helicopter noise impacts surrounding McCarran International Airport in Las Vegas, Nevada.

On December 28, 2008, FAA published a Proposed Finding of No Significant Impact (FONSI) and Record of Decision (ROD) for the Proposed Action for public review and comment. On January 28, 2009, FAA received three comment letters on the Proposed FONSI/ROD. FAA prepared responses to those comments and included them in Appendix A to the FONSI/ROD.

The FONSI and ROD indicates that the proposed action is consistent with existing environmental policies and objectives as set forth in the National Environmental Policy Act of 1969 in that it will not significantly affect the quality of the human environment.

Copies of the FONSI and ROD are available for public examination at:

Aliante Library, 2400 Deer Springs Way,

Boulder City Library, 701 Adams Blvd.

Clark County Law Library, 309 S. Third St.,

Clark County Library, 1401 E. Flamingo Rd.

Enterprise Library , 25 E. Shelbourne Ave.

Green Valley Library 2797 N. Green Valley Pkwy.

James Gibson Library, 280 S. Water St.

Las Vegas Library, 833 Las Vegas Blvd North

Lydia Malcolm Library, 2960 Sunridge Heights Pkwy,

Meadows Library, 300 W. Boston Ave.

Nevada State College, 1125 Nevada State Dr.,

North Las Vegas Library, 2300 Civic Center Drive

Paseo Verde Library, 280 S. Green Valley Pkwy.

Pittman Library, 1608 Moser Dr.

Rainbow Library, 3150 N. Buffalo Dr.,

Sahara West Library, 9600 West Sahara Ave.

Spring Valley Library, 4280 South Jones Blvd.

Summerlin Library, 1771 Inner Circle Dr.

Sunrise Library, 5400 Harris Ave.

UNLV Library, 4505 S. Maryland Pkwy.

West Charleston Library, 6301 W. Charleston Blvd.,

West Las Vegas Library, 951 W. Lake Mead Blvd.

Whitney Library, 5175 E. Tropicana Ave.

McCarran International Airport, Clark County Department of Aviation, Planning Offices, 4th Floor

Henderson Executive Airport, Clark County Department of Aviation, Customer Service Counter

North Las Vegas Airport, Clark County Department of Aviation, Administration Offices

Bureau of Land Management – Las Vegas District Office, 4701 N. Torrey Pines

FAA Western-Pacific Region, Airports Division, 15000 Aviation Blvd., Room 3012, Lawndale, CA 90261

U.S. DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration
Western-Pacific Region
Hawthorne, California

FINDING OF NO SIGNIFICANT IMPACT AND RECORD OF DECISION

PROPOSED SOUTHERN NEVADA REGIONAL HELIPORT

Las Vegas, Clark County, Nevada

For further information:

David B. Kessler, AICP
U.S. Department of Transportation
Federal Aviation Administration
P.O. Box 92007
Los Angeles, California 90009-2007
Telephone: 310/725-3615

February 20, 2009

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GENERAL INFORMATION ABOUT THIS DOCUMENT

WHAT'S IN THIS DOCUMENT? This document is the Federal Aviation Administration's (FAA) Finding of No Significant Impact (FONSI) and Record of Decision (ROD) for proposed construction and operation of the Southern Nevada Regional Heliport, Las Vegas, Clark County, Nevada. This document includes the agency determinations and approvals for those proposed Federal actions described in the Final Environmental Assessment dated December 2008. This document discusses all alternatives considered by FAA in reaching its decision, summarizes the analysis used to evaluate the alternatives, and briefly summarizes the potential environmental consequences of the Proposed Action and the No Action alternative, which are evaluated in detail in this FONSI and ROD. This document also identifies the environmentally preferred alternative and the agency preferred alternative. This document identifies applicable and required mitigation.

BACKGROUND. In April 2008, the Clark County Department of Aviation prepared a Draft Environmental Assessment (DEA). The EA addressed the potential environmental effects of the proposed Heliport alternative and reasonable alternatives to that proposal. The DEA was prepared in accordance with the requirements of the National Environmental Policy Act (NEPA) [Public Law 91-190, 42 U.S.C. 4321-4347], the implementing regulations of the Council on Environmental Quality (CEQ) [40 CFR Parts 1500-1508], and FAA Orders 1050.1E, *Environmental Impacts: Policies and Procedures* and 5050.4B, *National Environmental Policy Act, Implementing Instructions for Airport Actions.* Clark County published the Notice of Availability for the DEA on April 4, 2008. Clark County received comments on the draft between April 4, 2008 and May 9, 2008. FAA approved the Final EA on December 9, 2008. CCDOA subsequently published and distributed the Final EA.

Copies of the Proposed FONSI/ ROD, and associated Final EA were made available for public review and comment from December 28, 2008 to January 28, 2009 at various libraries in Clark County; the FAA Headquarters Office in Washington, D.C. and Western-Pacific Regional Office in Hawthorne, California; the BLM Las Vegas Field Office; and at various administrative offices of the Clark County Department of Aviation. FAA received three comment letters. FAA prepared responses to those comments which are included in Appendix A to this FONSI/ROD.

WHAT SHOULD YOU DO? Read the Finding of No Significant Impact and Record of Decision to understand the actions that FAA intends to take relative to the proposed Heliport alternative.

WHAT HAPPENS AFTER THIS? The Clark County Department of Aviation may begin to implement the Proposed Action.

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U.S. DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

FINDING OF NO SIGNIFICANT IMPACT AND RECORD OF DECISION

Proposed Southern Nevada Regional Heliport

Las Vegas, Clark County, Nevada

I. INTRODUCTION

This document serves as a Finding of No Significant Impact (FONSI) and Record of Decision (ROD) for the Federal Aviation Administration's (FAA) proposed Federal action of unconditional approval of the portion of the Heliport Layout Plan (HLP) that depicts construction of the proposed facility. The proposed Heliport is to be owned and operated by the Clark County Department of Aviation (CCDOA).

The CCDOA's proposal (the Proposed Action) is to construct and operate the new Heliport. The proposal includes the acquisition of 229 acres of land located east of Las Vegas Boulevard and Interstate Highway 15 South of the unincorporated Clark County, Nevada (a portion of Clark County Assessor Parcel No. 204-01-000-001). The land for the proposed Heliport is managed by the Las Vegas District Office of the Bureau of Land Management (BLM). The BLM is a cooperating agency to the FAA for the preparation of the Final EA for the proposed Heliport.

Acquisition of this land will allow for construction and operation of the Heliport including all facilities, such as the aircraft operations area including four Final Approach and Takeoff (FATO) areas, taxiways, aircraft parking positions, hangars, automobile parking areas, Heliport access road, fencing and other associated development including a transportation and utility corridor.

Acquisition of the land to build the proposed Heliport is authorized by Section 180 of the *Transportation, Treasury, Housing and Urban Development, The Judiciary, District of Columbia, and Independent Agencies Appropriations Act, 2006* (Public Law 109-115, November 30, 2005). Public Law 109-115 states in part,

> *"(b) the Secretary [of the Department of the Interior] shall convey to the County, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).*
>
> *(c) The parcel of land to be conveyed under subsection (b) is the parcel of approximately 229 acres of land depicted as tract A on the map entitled "Clark County Public Heliport Facility" and dated May 3, 2004.*
>
> *(d)(1) The parcel of land conveyed under subsection (b)—*
> *(A) shall be used by the County for the operation of a heliport facility under the conditions stated in paragraphs (2), (3) and(4); and*
> *(B) shall not be disposed of by the County.*
> *(2)(A) Any operator of a helicopter tour originating from or concluding at the parcel of land described in subsection (c) shall pay to the Clark County Department of Aviation a $3 conservation fee for each passenger on the helicopter tour if any portion of the helicopter tour occurs over the Conservation Area."*

In accordance with Title 40, Code of Federal Regulations (CFR) § 1501.3 of the President's Council on Environmental Quality Regulations (CEQ), implementing the National Environmental Policy Act (NEPA) of 1969, the FAA supervised preparation of a Final Environmental Assessment

(EA), dated December 2008. The EA was prepared in accordance with the requirements of NEPA, implementing CEQ regulations, FAA Orders 1050.1E, *Environmental Impacts: Policies and Procedures* and 5050.4B, *National Environmental Policy Act Implementing Instructions for Airport Actions,* and U.S. Department of the Interior, Bureau of Land Management *NEPA Handbook H-1790-1.*

The analysis of the various environmental categories required by FAA Orders 1050.1E and 5050.4B, and BLM NEPA Handbook H-1790-1 revealed that the proposed Heliport construction project would not exceed the Federal thresholds of significance and will not significantly affect the quality of the human environment. Therefore, considering the various consultation and document coordination efforts on the part of the FAA and the airport sponsor, the type and extent of the comments received from all parties including Federal, State, and local governmental agencies, groups and interested citizens, and the analysis of impacts presented in the Final EA, the FAA determined that the appropriate level of Federal environmental disclosure action for this project is an EA.

This FONSI and ROD will describe the purpose and need of the project, actions to be taken by the FAA, alternatives examined in the Final EA, environmental effects of the preferred alternative, committed mitigation, and the FAA's findings and decision and orders. The nature and extent of the FAA's decision is clearly stated in this FONSI/ROD, which is a decision document. Any findings or decisions related to environmental impact categories specified in the BLM NEPA Handbook are the responsibility of the BLM and will be described in the appropriate decision document issued by the BLM.

II. BACKGROUND

The location for the Proposed Heliport is in Clark County, about 15 miles south of McCarran International Airport (McCarran) south of the Sloan exit on the east side of Interstate 15 (a portion of Clark County Assessor Parcel No. 204-01-000-001). As of 2007, four commercial helicopter operators provided helicopter air tours from their base at McCarran. A fifth helicopter operator, offering helicopter training and local tours, is partially based at North Las Vegas Airport. Helicopter tours are also conducted at the Boulder City Municipal Airport by an operator who is also based at McCarran. Multiple sites on the west side of McCarran are currently used as bases for the four helicopter tour operators operating at McCarran. These helicopter facilities are located about two miles south of Caesars Palace, a resort hotel that is considered by CCDOA to be the geographic center of the helicopter air tour customer base. Additional helicopters used for television news gathering, fire fighting, and executive charter flights are also based at McCarran and at other airports and private heliports located throughout the Las Vegas region.

FAA Air Traffic Control and the Flight Standards District Office, the CCDOA, and helicopter operators historically have identified preferred flight corridors to reduce over flights of residential areas. As described in Section L.4.2 of the Final EA, Helicopters and fixed wing aircraft that operate at airport have different flight characteristics. A helicopter can takeoff and land on a helipad while fixed-wing aircraft require runways which are much larger than helipads. Once, airborne, helicopters do not have a prescribed minimum safe altitude, as described in 14 CFR 91.119. Fixed-wing pilots must comply with 14 CFR 91.119. Section 91.119(d) states, *"Helicopters. Helicopters may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section if the operation is conducted without hazard to persons or property on the surface. In addition, each person operating a helicopter shall comply with any routes or altitudes specifically prescribed for helicopters by the Administrator."* In the event of a failure of the power plant, the helicopter pilot can perform a procedure known as an autorotation, allowing the helicopter to land safely.

Helicopters departing for Grand Canyon tours from McCarran are directed to fly eastbound over Tropicana Avenue. Helicopters returning from Grand Canyon tours to McCarran are directed to fly westbound over Charleston Boulevard until Fremont Street, then toward the northwest over

Fremont Street until west of downtown Las Vegas, then southbound along the Union Pacific railroad tracks, west of Las Vegas Boulevard (the Las Vegas Strip), then southbound over Industrial Road, remaining west of the Las Vegas Strip.

In June 2003, in response to concerns related to noise from helicopter over flights, the Nevada State Legislature amended the Nevada Revised Statutes, Chapter 495 Sections 300-320 (NRS 495) [see page 5 of 6 to Attachment A-1 in Appendix A to the Final EA], to require certain counties, including Clark County, to designate a preferred non-urban Heliport site, which met certain criteria, no later than January 1, 2004. The revision to Chapter 495 was signed by Nevada Governor Guinn on June 20, 2003.

The proposed Heliport will accommodate helicopter tour operations that are located at McCarran and other area airports that provide tours to the Grand Canyon. The scoping period for this Environmental Assessment began in 2004. On April 4, 2008, CCDOA made the Draft EA available for review. On May 6, 2008, the County held a public hearing at the Clark County Government Center during the Board of County Commissioners meeting about the adequacy of the information disclosed in the Draft EA. The formal public comment period for the Draft EA closed on May 9, 2008. A total of 32 comments written or verbal were received by CCDOA. The majority of comments received support the Proposed Action as a noise mitigation measure. Comments received on the Draft EA from the U.S. Environmental Protection Agency and the National Park Service resulted in providing supplemental information and noise analyses in the Final EA which evaluated potential noise impacts of helicopter operations on National Park Units Purpose and Need.

On December 28, 2008, the FAA made its Proposed FONSI/ROD available for public review and comment for a 30-day period. A notice was published in the *Las Vegas Review-Journal* announcing the availability of the document. On January 28, 2009, FAA received a total of three comment letters on the Proposed FONSI/ROD. FAA decided to respond to each of the comments provided. The responses to those comments are disclosed in Appendix A to this FONSI/ROD.

Summary of Clark County's Purpose and Need: Section 1.4 of the Final EA outlines CCDOA's purpose and need for the proposed regional Heliport for Southern Nevada. CCDOA is proposing to construct and operate a new Heliport to meet the existing and future needs of the Grand Canyon helicopter air tour operators, and the overall plan for accommodating all aspects of aviation demand in the region. The State of Nevada, Clark County, and Las Vegas area residents have identified an existing need to reduce, as soon as practicable, helicopter tour over flights and resulting adverse noise impacts over residential areas of Clark County. Also, the amended sections of NRS 495 established criteria for designating a non-urban Heliport site. In addition, CCDOA must maintain consistency with the System Plan (goals and objectives and facility roles established in the Southern Nevada Regional Airport System Plan (dated August 2001), and preserve adequate space at McCarran to ensure that it can continue to serve its primary role to accommodate commercial aviation activity for the Las Vegas region. As described in Section 1.2 of the Final EA, there is not sufficient space to expand the Grand Canyon helicopter air tour basing areas at McCarran without encroaching upon space needed for future development consistent with the primary role of McCarran. CCDOA needs to provide a facility that has adequate space and is appropriately located to accommodate existing and future demand for helicopter air tours to the Grand Canyon.

Section 1.2 of the Final EA states growth in the number of Grand Canyon air tours is expected to increase an average of 4.0 percent per year through the planning horizon of 2017. To accommodate this demand, there is a need to provide a facility that is close enough to the customer base for travel times to be reasonable. Moreover, the facility must be located and configured to ensure safe and efficient operations, considering other aviation facilities and airspace, and FAA Heliport Design Standards, specified in FAA Advisory Circular 150/5390-2B, *Heliport Design*.

Based upon these evaluations, a new Heliport will best meet the needs of Clark County's existing and future needs of the Grand Canyon helicopter air tour operators. Two significant components of the Proposed Action are:

- The transfer of ownership of federally managed public land to Clark County.
- The construction and operation of the Heliport and associated infrastructure, including utilities.

Federal Purpose and Need for the Proposed Action: FAA's statutory mission is to ensure the safe and efficient use of navigable airspace in the United States. Further, under the *Aviation Safety and Noise Abatement Act of 1979,* as amended, FAA's policy is to ensure that aviation facilities are constructed and operated to minimize current and projected noise impact on nearby communities. [49 USC 47101(a)(2)]. The Proposed Action would reduce noise from rotor wing aircraft (helicopters) currently operating at McCarran. For the Proposed Action, BLM is to convey a specific 229-acre parcel of land to Clark County for the construction and operation of a Heliport facility pursuant to Public Law 109-115, Section 180.

III. PROPOSED FEDERAL AGENCY ACTIONS AND APPROVALS

The Federal actions that are the subject of this FONSI/ROD include the following:

1. Unconditional approval of the portion of the Heliport Layout Plan (HLP) that depicts the proposed airfield pursuant to 49 U.S.C. Section § 40103(b), 44718 and 47107(a)(16) and 14 CFR Part 77. The HLP depicting the proposed improvements has been processed by the FAA to determine conformance with FAA design criteria and implications for Federal grant agreements (refer to 14 CFR Part 77 and 157). FAA has determined that the Proposed Action, as described in Section II above, is consistent with existing airspace utilization and procedures. The HLP was evaluated under airspace case number 2007-AWP-305-NRA.

2. Determine under 49 U.S.C. § 44502(b), that the Heliport development is reasonably necessary for use in air commerce or in the interests of national defense.

3. Continued close coordination with the Clark County Department of Aviation and appropriate FAA program offices, as required, to maintain aviation and airfield safety during construction.

4. Determination under 49 U.S.C. § 47106 and 47107 relating to the eligibility of the Proposed Action for Federal funding under the Airport Improvement Program (AIP) and under 49 U.S.C. § 40117, as implemented by 14 CFR § 158.25, to impose and use passenger facility charges (PFC's) collected at McCarran for the Proposed Action to assist with construction and operation of potentially eligible development items shown on the HLP.

All items discussed in Section 1.3 and illustrated on the Heliport Layout Plan in Exhibit I-3 in the Final EA (Phase 1 projects) are expected to be developed within the next three years (2009-2011). The FAA has Federal oversight for the implementation of the proposed Heliport planning documents for near-term project improvements. Environmental impact analysis of the Phase 2 projects, described at the end of Section 1.3 in the Final EA, would be the subject of a separate NEPA document at the time these projects become ripe for review.

A. DESCRIPTION OF ALTERNATIVES

Title 40, Code of Federal Regulations Section 1502.14(d) requires that a range of alternatives be evaluated in the EA. The range of alternatives includes all reasonable alternatives, which must be rigorously explored and objectively evaluated, as well as other alternatives, which are eliminated from detailed study with a brief discussion of the reasons for eliminating them. The No

Action alternative must also be assessed, as required by Federal regulations. The range of alternatives considered includes: Construction and operation of a Heliport at a site not currently developed for aviation uses, Development of Heliport facilities at existing aviation facilities in the Las Vegas region, the use of other modes of transportation, and the No Action. As an initial step, CCDOA conducted a Site Suitability Assessment that identified and assessed 13 candidate sites for the location of a Heliport in terms of their ability to meet the statutory intent of the amendments to NRS 495 and the goals and objectives and facility requirements documented in the Need Assessment referenced in Section 1.2 and described in Section 2.3 of the Final EA. The results of the alternatives analysis determined that 11 alternatives would be considered reasonable and practicable, thereby warranting further consideration.

ALTERNATIVE 1 - CONSTRUCTION AND OPERATION OF A HELIPORT AT THE SOUTH OF SLOAN SITE (PROPOSED ACTION): Under this alternative, the Heliport would be constructed on a site of about 229 acres that is undeveloped and clear of structures. The Heliport would be developed in phases to accommodate up to 111 based helicopters through 2017. The land north, south, and east of the site is currently undeveloped and the closest residence is about three miles to the northeast. The site is within unincorporated Clark County on public land managed by the BLM, which Congress authorized to transfer the land to Clark County for the sole purpose of developing the Heliport (Public Law 109-115).

ALTERNATIVE 2 – NO ACTION ALTERNATIVE: For the purposes of 40 CFR § 1502.14(d), this alternative is identified as the No Action alternative. This regulation requires an analysis of this alternative that would result in the Proposed Action not occurring. Under this alternative, no new heliport would be built and helicopters would continue to operate from McCarran International Airport and could move to other airports in the region. There would be no reduction in helicopter noise along the departure and arrival corridors used by helicopter tour operators that base their aircraft at McCarran.

ALTERNATIVE 3 – CONSTRUCTION AND OPERATION OF A HELIPORT AT THE GOKART/SLOAN SITE: This site is located on the east of Interstate 15 and Las Vegas Boulevard South, about three miles south of St. Rose Parkway. It is owned by Clark County, consists of about 49 acres, and is surrounded primarily by vacant public and private land. It is partially developed and has several structures in its vicinity, including a go-kart facility, power lines, telephone lines, and billboards that run along Interstate 15.

ALTERNATIVE 4 – CONSTRUCTION AND OPERATION OF A HELIPORT AT THE ELDORADO VALLEY SITE: This site is located about 2.5 miles south-southwest of the intersection of U.S. Highway 95 and 93 in Boulder City, Nevada. The site consists of approximately 54 acres and is publicly owned and managed by the BLM. The majority of the land around the site is also undeveloped, and publicly owned and managed by the BLM. The site is undeveloped and clear of structures, except for the high voltage power lines and transmission lines that traverse the site. This site was identified after completion of the Site Suitability Assessment based on discussions with City of Boulder City representatives, and was selected so that it would be entirely within unincorporated Clark County, and outside the limits of Boulder City.

ALTERNATIVE 5 – CONSTRUCTION AND OPERATION OF A HELIPORT AT THE SUNRISE LANDFILL SITE: This site is located at the eastern end of Vegas Valley Drive, about 4.9 miles east of the intersection of Boulder Highway and U.S. Highway 95. It consists of approximately 160 acres leased by Clark County from the BLM and is clear of structures. Most of the land around the site is undeveloped with the closest residence being about 1.5 miles to the west. The landfill officially closed in March 1995.

ALTERNATIVE 6 – DEVELOPMENT OF HELIPORT FACILITIES AT BOULDER CITY MUNICIPAL AIRPORT: Boulder City Municipal Airport is located about 22 miles southeast of McCarran and one mile southwest of Boulder City. The airport occupies 512 acres of land. The city of Boulder City owns and operates this airport, which accommodates general aviation, helicopter operations, and some Grand Canyon air tour operations.

ALTERNATIVE 7 – DEVELOPMENT OF HELIPORT FACILITIES AT HENDERSON EXECUTIVE AIRPORT: This airport is located within the City of Henderson, and about six miles south of McCarran International Airport. The airport occupies 722 acres, of which about 157 acres are non-airfield land. It is owned by Clark County and operated by the Clark County Board of County Commissioners through the CCDOA, with a portion of the land leased from the BLM. The facility is developed as an airport, with adjacent residential land uses.

ALTERNATIVE 8 – DEVELOPMENT OF HELIPORT FACILTIES AT JEAN AIRPORT: Jean Airport is a developed aviation facility located adjacent to Interstate 15 and State Highway 161 in Jean, Nevada. This airport occupies about 317 acres, of which 104 acres are non-airfield land. It is owned by Clark County and operated by the Clark County Board of County Commissioners through the CCDOA. The airport's primary role is to accommodate sport aviation, including aerobatic aircraft, gliders, and ultra-light aircraft. The Gold Strike Casino, which is located at the northeast end of the airport, also attracts transient general aviation activity to the airport. The area surrounding the airport is partially developed, with commercial and industrial areas north of the airport.

ALTERNATIVE 9 – DEVELOPMENT OF HELIPORT FACILITIES AT MESQUITE MUNICIPAL AIRPORT: This airport is located about two miles north of the center of the city of Mesquite near the Nevada/Arizona border, and about 80 miles northeast of Las Vegas. The airport is owned and operated by the City of Mesquite and occupies 513 acres of land. The City of Mesquite proposes to close the existing airport and build a replacement General Aviation airport about 15-miles west of the city on Mormon Mesa. This proposal is the subject of a Draft Environmental Impact Statement published by the FAA in May 2008. No decision on the City of Mesquite's proposal has been made yet by the FAA.

ALTERNATIVE 10 – DEVELOPMENT OF HELIPORT FACILITIES AT NORTH LAS VEGAS AIRPORT: This airport is located in the City of North Las Vegas, Clark County and is about five miles northwest of downtown Las Vegas, and about eight miles northwest of McCarran. North Las Vegas Airport occupies about 797 acres of land. The airport is owned by Clark County and is operated by the Clark County Board of County Commissioners through the CCDOA. The airport serves as the primary general aviation reliever airport to McCarran. It also accommodates Grand Canyon tour operators; several based blimps, and provide landing and temporary basing for blimps that visit Las Vegas for major conventions and promotional events.

ALTERNATIVE 11 – USE OF OTHER MODES OF TRANSPORTATION: Other modes of travel to the Grand Canyon are already in use. Tours to and from the Grand Canyon from the Las Vegas region are provided via fixed-wing aircraft, bus, helicopter, and a combination of these modes. Visitors can also drive to the Grand Canyon using their own vehicles or rental vehicles.

B. ALTERNATIVES SCREENING CRITERIA

The FAA completed a thorough and objective review of a range of reasonable alternatives to Clark County's Proposed Action in accordance with CEQ regulations (40 CFR § 1502.14). As described in Section 2.3 of the Final EA, FAA applied a three-level screening criteria to the 11 alternatives. The first level screening criterion involves determining a proposed heliport site's consistency with the Nevada Revised Statutes, Chapter 495. Section 2.3.1 of the Final EA lists the following criterion as: *"the designated preferred location of the area for takeoff and landing of commercial helicopters is not at the largest airport within the County; is not located within a residential area; is selected on the basis that the site locations would reduce the overall impact of helicopter noise on the residents of the County and would reduce the risk of danger to county residents related to helicopter traffic."* Out of the 11 possible alternatives, four sites did not pass the first level of screening and were eliminated from further consideration.

The second level of screening involves determining the potential site's consistency with the Southern Nevada Regional System Plan. This screen was applied to the remaining seven

alternatives. Each airport within Clark County's system has a designated role. For example, McCarran is designated to be the primary airport to accommodate fixed wing air carrier aircraft into the Las Vegas metropolitan area. Other airports in the system fulfill roles to accommodate different types of fixed wing general aviation aircraft operations. Section 2.3.2 of the Final EA notes the System Plan identified a particular need to preserve adequate space at McCarran to ensure that it can continue to serve its primary role and to preserve the roles of the other airports in the region.

The third level criterion is the ability to accommodate demand for Grand Canyon Helicopter Air Tours. Alternatives that satisfied all three levels of criteria were evaluated in detail in the Final EA.

Alternatives 3 (GoKart) and 4 (El Dorado Valley) were eliminated because both sites would not provide the available land area to accommodate parking positions for up to 111 helicopters within the 2017 planning horizon, and the configuration of the available land area at both sites would limit expansion capability in the future. Alternative 5 (Sunrise Landfill) was eliminated because surface accessibility to the site is poor and would result in the use of local surface streets, including residential streets, by commercial vehicles transporting tour passengers to the site. Alternatives 6 (Boulder City Airport), Alternative 7 (Henderson Executive Airport), Alternative 9, (Mesquite Municipal Airport) and Alternative 10 (North Las Vegas Airport) were all eliminated because there are residential areas within one mile of each of the facilities and therefore, the alternatives would not meet the requirements for identifying a site that is not within a residential area. Alternative 8 (Jean Airport) was eliminated because the introduction of Grand Canyon helicopter air tour operations would not be consistent with the role of the airport, providing a location for sport aviation including sky diving activity as defined in the Southern Nevada Regional Airport System Plan. Alternative 11 (Use of Other Modes of Transportation) was eliminated because other modes of travel to the Grand Canyon are already in use. Tours to and from the Grand Canyon from the Las Vegas region are provided via fixed-wing aircraft, bus, helicopter, and a combination of these modes. Visitors can also drive to the Grand Canyon using their own or rental vehicles.

Alternative 1 (South of Sloan Site) and the Alternative 2 (No Action) were retained for detailed evaluation, as documented in Chapter 5 of the Final EA and summarized below. Alternative 2 was retained in the Final EA for consideration pursuant to 40 CFR 1502.14. Alternative 2 does not meet the purpose and need of accommodating existing and future demand for Grand Canyon helicopter tour activity in a manner compatible with the urban environment of the Las Vegas region.

C. AGENCY PREFERRED ALTERNATIVE

Based on the information disclosed in the Final EA, the FAA has determined that Alternative 1 (South of Sloan Site) demonstrated the best ability to meet the purpose and need of the project with minimal adverse environmental impact. The proposed Heliport results in no significant adverse impacts. This alternative would meet the Federal purpose and need for the project and would result in fewer environmental impacts. Therefore, Alternative 1 (South of Sloan site) is the FAA's preferred alternative.

D. ENVIRONMENTALLY PREFERRED ALTERNATIVE

In accordance with 40 CFR § 1505.2(b), the environmentally preferred alternative must be identified in the FONSI/ROD. The environmentally preferred alternative is the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves and enhances historic, cultural and natural resources. (See CEQ Memorandum, 40 Most asked Questions and Answers about the NEPA Regulations, Question Number 6a, 46 Fed. Reg. 18026, March 23, 1981, as amended, 51 Fed. Reg. 15618, April 25, 1986). After considering these factors, including the long-term consequences, the FAA has determined the environmentally preferred alternative is Alternative 1 (South of Sloan Site), based

on the fact that helicopter operations will be relocated to non-residential areas, in addition to the reasons discussed in the next section of this FONSI/ROD, Section IV, *Environmental Consequences*.

IV ENVIRONMENTAL CONSEQUENCES

The potential impacts of the two Alternatives are summarized below. Detailed discussions for each environmental impact category are contained in the Final EA. In this FONSI/ROD, each environmental impact category studied is listed with a brief discussion of the results of the impact analysis, and, if necessary, any mitigation measures. Those actions or measures to avoid or minimize environmental harm that are practicable to implement are summarized for each environmental impact category in Section VI, Mitigation, as appropriate. The Final EA included analysis and review of the Proposed Action and the No Action alternatives. The Final EA has satisfied FAA guidelines identified in FAA Orders 1050.1E and 5050.4B for the preparation of an EA.

The Final EA examined the following environmental impact categories as specified in FAA Orders 1050.1E and 5050.4B: Noise; Compatible Land Use; Socioeconomic Impacts, Environmental Justice, Children's Environmental Health and Safety Risks; Air Quality; U.S. Department of Transportation Act Section 4(f) Lands; Historical, Architectural, Archaeological, and Cultural Resources; Native American Religious Concerns; Fish, Wildlife, and Plants; Federally-Listed Threatened or Endangered Species; Floodplains and Floodways; Water Quality; Hazardous Materials, Pollution Prevention, and Solid Waste; Light Emissions; Visual Resources; Natural Resources and Energy Supply; Secondary (Induced) Impacts; Construction Impacts; and Cumulative Impacts. As mentioned in the beginning of this FONSI and ROD, the BLM is a cooperating agency with the FAA for preparation of the Final EA.

The following environmental impact categories are specified in the BLM's NEPA Handbook: Areas of Critical Environmental Concern, Wilderness, and Invasive, Nonnative Species. Any findings or decisions related to environmental impact categories specified in the BLM NEPA Handbook are the responsibility of the BLM and will be described in the appropriate decision document issued by the BLM.

A. NOISE: Section 4.1 and Appendix D of the Final EA analyzes the noise impacts of the Proposed Action and No Action alternatives. In accordance with FAA Orders 1050.1.E and 5050.4B, the anticipated noise condition for both of the alternatives has been developed for the anticipated year of project implementation (2011) and six years from the implementation date (2017).

Noise contours under the Proposed Action were developed for the locations expected to accommodate Grand Canyon helicopter air tour operations; the South of Sloan site and McCarran International Airport. Although Grand Canyon helicopter air tour operators have stated their support for the construction and operation of the Heliport at the South of Sloan site, it has been assumed for planning purposes that some number of Grand Canyon helicopter air tour operations would continue at McCarran even if Clark County builds and operates the proposed.

Three potential flight corridor scenarios were evaluated in the Final EA. Helicopters and fixed-wing aircraft that operate at airports also have different flight characteristics. A helicopter can takeoff and land on a helipad, while fixed wing aircraft require runways, which are significantly larger than a helipad. Once, airborne, helicopters do not have a prescribed minimum safe altitude, as described in 14 CFR 91.119. Fixed-wing pilots must comply with 14 CFR 91.119. Section 91.119(d) states, *"Helicopters. Helicopters may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section if the operation is conducted without hazard to persons or property on the surface. In addition, each person operating a helicopter shall comply with any routes or altitudes specifically prescribed for helicopters by the Administrator."* In the

event of a failure of the power plant, the helicopter pilot can perform a procedure known as an autorotation, allowing the helicopter to land safely.

Under Scenario A, the Henderson flight corridor would be the primary flight corridor for helicopter operations to and from the Heliport site. The City of Henderson provided expressed concern about helicopter noise from helicopters using the Henderson Corridor in its comments on the Proposed FONSI/ROD. FAA provided detailed responses to those comments in Appendix A to this FONSI/ROD. In summary, there are no requirements under NEPA, or its implementing regulations to quantify the overall goal of noise reduction by the proposed Heliport. Further, NEPA does not require an Environmental Assessment to assess if the goals of a proposal have been met or not. However, based on the information disclosed in the Final EA, along with the letters from two of the tour operators that indicate they will use the McCullough Corridor, FAA believes it is reasonable to conclude the proposed Heliport would achieve the goals of NRS 495.

Under Scenario B, the McCullough flight corridor would be the primary flight corridor. In accordance with Public Law 109-115, the McCullough flight corridor represents the only route that can be used by Grand Canyon helicopter tour operators to cross the Sloan Canyon National Conservation Area if the flight started or ended at the Heliport site. Under Scenario C, the Jean flight corridor would be the primary flight corridor.

Noise exposure was analyzed for the anticipated first year of operations at the Heliport site (2011), and for conditions in a future year (2017), using the Integrated Noise Model, version 7.0. Noise contours for the Proposed Action, Scenarios A, B, and C, for 2011 and 2017 are shown in the Final EA on Exhibits IV-2 and IV-3. The noise exposure contours for each flight corridor scenario differ slightly because of differences in flight paths between the takeoff/landing areas at the Heliport site and the helicopter flight corridors.

No residences or noise-sensitive land uses would be exposed to helicopter noise of 65 DNL and higher in either 2011 or 2017 under the Proposed Action under any of the three scenarios for potential flight corridors. As no existing noise-sensitive land uses would be exposed to 65 DNL and higher in 2011 or 2017, no significant changes in helicopter noise as defined as in an increase or decrease of 1.5 or more in noise-sensitive areas exposed to helicopter noise of 65 DNL or higher, would occur as a result of the Proposed Action. The Proposed Action would result in a reduction in the number of over flights of residences and portions of the Lake Mead National Recreation Area along the existing Grand Canyon helicopter air tour flight corridors.

One flight corridor scenario was used for the analysis associated with the No Action alternative based on the continued use of the existing Charleston and Tropicana corridors to and from McCarran. No residences, households, or noise-sensitive land uses would be exposed to helicopter noise of DNL 65 or higher in either 2011 or 2017 under the No Action alternative. However, noise related to helicopter operations along existing helicopter flight corridors would not be reduced under the No Action alternative, and residents and portions of the Lake Mead National Recreation Area along those flight corridors would continue to experience helicopter over flights and their associated noise exposure. In addition, it is anticipated that some helicopter operations might move from McCarran to other facilities in Clark County under the No Action alternative and additional routes could be established from other facilities over residential areas.

As discussed in the response to comment Z-7 in the Final EA, the FAA recognizes the guidelines for land use compatibility prescribed in 14 CFR Part 150 may not adequately address noise in a national park "where other noise is very low and a quiet setting is a generally recognized purpose and attribute." [See FAA Order 1050.1E, Appendix A, paragraph 6.2(i)]. Noise analyses presented in the Final EA did not rely upon the Part 150 guidelines but instead included supplemental analyses and two additional gridpoints, in recognition that several areas within Lake Mead National Recreation Area currently experience over flights by Grand Canyon helicopter air tours. The analysis focused on the difference in noise exposure between the Alternatives 1 and 2 at 17 gridpoints.

According to Figures 19 and 20 of the *"Baseline Ambient Sound Levels in Lake Mead National Recreation Area* " (DOT-VNTSC-FAA-06-13), the different locations that would likely receive over flights as a result of the Proposed Action are the same areas that have the same acoustic zone designations as established by the National Park Service as those currently receiving over flights. No areas of higher sensitivity to noise exposure would be overflown under the Proposed Action alternative than currently or would continue to receive over flights under the No Action Alternative. Based principally on predicted noise values at representative grid points, only the location of the over flights and not the number of over flights is predicted to change under the Proposed Action. Moreover, comparable acoustics zones are being overflown under both the Proposed Action and No Action Alternatives. The Final EA states in Section 4.6.2.3, the Proposed Action would not substantially impair Lake Mead National Recreation Area or any other resource protected under Section 4(f) of Department of Transportation Act of 1966, as amended.

Since implementation of the Proposed Action would not result in significant noise impacts compared to the No Action alternative; no mitigation measures would be required. Helicopter noise levels in established residential communities and portions of the Lake Mead National Recreation Area beneath the Tropicana and Charleston helicopter flight corridors associated with Grand Canyon helicopter tour over flights would be lower under the Proposed Action than the No Action alternative, because there would be fewer over flights.

B. COMPATIBLE LAND USE: Section 4.2 of the Final EA describes the South of Sloan site as being located on BLM managed public land in unincorporated Clark County within the South County Planning Area, and designated as open land. There are no residential or other noise sensitive land uses near the proposed facility. Areas around the proposed Heliport are managed by the BLM and are currently undeveloped. As required under 49 USC § 47106(a)(10), and 47107(a), Clark County's Land Use Assurance letter preventing development of incompatible land uses is included in Appendix E of the Final EA. Therefore, the Proposed Action alternative results in no negative land use impacts at the project site as helicopter noise of DNL 65 and higher would not extend beyond the property boundaries of the Heliport site. It also provides positive benefits by reducing helicopter noise impacts on noise sensitive land uses at McCarran and the other area airports that support helicopter tour operators.

The No Action alternative results in no adverse land use impacts as no construction will occur and the areas that would be exposed to DNL 65 and higher from helicopter operations would be contained within the McCarran boundaries. However, residents who live near the existing arrival and departure corridors used by helicopter tour operators from McCarran would continue to experience frequent helicopter over flights. In addition, it is anticipated that some helicopter operations might move from McCarran to other facilities in Clark County under the No Action alternative and additional routes could be established from other facilities over residential areas.

C. SOCIOECONOMIC IMPACTS, ENVIRONMENTAL JUSTICE AND CHILD'S ENVIRONMENTAL HEALTH AND SAFETY RISKS: Section 4.3 of the Final EA discusses the Social, Environmental Justice, and Child's Health and Safety impacts and considerations contained in Section 206(a) of the *Uniform Relocation Assistance and Real Property Acquisition Policies Act*, as amended, Executive Order 12898 and Executive Order 13045 respectively.

There are no acquisitions and/or relocations of residents or businesses that would be required with the implementation of the Proposed Action. No adverse disruptions to communities or local employment would occur. Direct socioeconomic impacts resulting from implementation of the Proposed Action alternative are primarily related to increased motor vehicle movements on roadways in the vicinity of the South of Sloan site and vehicle miles traveled in the region related to the project. However, the effect on local and regional traffic patterns would be negligible. The Proposed Action is anticipated to have a less than significant impact on traffic patterns and traffic congestion in the region. Construction-related traffic would occur along I-15, a major freeway connecting the Las Vegas region to other parts of Southern California; however this incremental addition of construction-related vehicles on I-15 is not anticipated to adversely impact traffic flow

to and from the Las Vegas region. In addition, construction traffic may also use Las Vegas Boulevard instead of I-15.

Under the No Action alternative, acquisition or displacement of existing residences or businesses would not be required. No disruptions to local or regional traffic patterns are anticipated under the No Action alternative; however, limousines and buses carrying Grand Canyon helicopter air tour passengers would continue to use congested roadways between McCarran and the Las Vegas Strip.

As discussed in Section B, Compatible Land Use Section above in this FONSI/ROD, helicopter noise of DNL 65 and higher would not extend beyond the property boundaries of the Heliport site under the Proposed Action. Because there are no potential for impacts to noise sensitive land uses, including residences, there is no potential for disproportionately high and adverse impact to any minority or low-income populations. Similarly, because there are no businesses or residences associated with the Proposed Action, there is no potential for disproportionately high and adverse impact to any minority or low-income populations.

Under the No Action Alternative, minority and low-income populations in the surrounding McCarran area would continue to be affected by an increasing number of Grand Canyon helicopter over flights along the existing corridors. In addition, it is anticipated that some helicopter operations might move from McCarran to other facilities in Clark County under the No Action alternative and additional routes could be established from other facilities over residential areas.

Environmental health and safety risks for children as described in Executive Order 13045 are not associated with the Proposed Action nor the No Action alternative. The health risks associated within this Order are neurological, immunological, digestive, and other bodily systems that are not affected by this Proposed Action because there are no residential uses within the project site.

D. AIR QUALITY: Section 4.4 of the Final EA discusses air quality impacts. Section 4.4.2.3 of the Final EA states the South of Sloan site and McCarran International Airport are located in Hydrographic Area 212 that is designated serious nonattainment area for CO and PM_{10}, and in a designated basic nonattainment for the 8-hour Ozone. The South of Sloan site has been designated by the U.S. EPA as in attainment for NO_2, SO_2, Pb, and $PM_{2.5}$, (See Appendix F of the Final EA),

In order to document the impacts of the Proposed Action on air quality, an emissions inventory was completed and is shown in Table IV-5 of the Final EA. Based on the evaluation contained in Section 4.4.2 and Appendix F of the Final EA, the forecasted construction and operational emissions of the Proposed Action are below the *de minimis* thresholds specified in 40 CFR § 91.153. In accordance with 40 CFR § 51.853, project emissions that have been demonstrated to be below *de minimis* levels are presumed to conform to the State Implementation Plan. Therefore, preparation of a General Conformity Determination pursuant to Section 176(c) of the Clean Air Act is not required. As described in Section 4.4.2.3 of the Final EA, project-related construction and operational emissions are not regionally significant. As a result, no further demonstration is required to show that the Proposed Action conforms to the State Implementation Plan. Since there are no roadway improvements connected with the Proposed Action, which are funded or approved by the Federal Highway Administration or the Federal Transit Administration, the Transportation Conformity Rule does not apply.

While mitigation measures are not required, various techniques would be used to minimize criteria pollutant emission associated with construction and operation of the Heliport, as discussed in Section VI, Mitigation.

The No Action alternative will result in less than significant air quality impacts. Under this alternative, the Grand Canyon helicopter tour operators based at McCarran would continue to operate in a manner similar to what they do today. In addition, it is anticipated that some

helicopter operations might move from McCarran to other facilities in Clark County under the No Action alternative and additional routes could be established from other facilities over residential areas.

The U.S. Environmental Protection Agency (EPA) provided comments on the Draft EA. The U.S. EPA included comments about emissions of greenhouse gasses by the Proposed Action. FAA recognizes the growing concern about the impact of proposed projects on climate change. According to most international reviews, aviation emissions comprise a small but potentially important percentage of human-made greenhouse gases and other emissions that contribute to global warming. However, activity at the proposed Heliport represents less than 0.01 percent of U.S. aviation activity (See Section 4.4.2.4 of the Final EA). Therefore, assuming that greenhouse gases occur in proportion to the level of activity, greenhouse gas emissions associated with existing and future aviation activity at the proposed Heliport would be expected to represent less than 0.01 percent of U.S.-based greenhouse gases. Therefore, emissions of greenhouse gases are expected to be less than significant under the Proposed Action and No Action Alternative.

Hazardous Air Pollutants (HAPs) are compounds for which there are no National Ambient Air Quality Standards but are still considered by the U.S. EPA as air pollutants. A HAPs emissions inventory was completed for disclosure purposes only. Emissions of 19 different HAPs commonly associated with aviation activities were evaluated in the analysis. HAPs levels are anticipated to be slightly higher under the Proposed Action than under the No Action alternative, as shown in Table IV-9 in the Final EA, which is consistent with the air quality analyses conducted for criteria pollutants.

E. DEPARTMENT OF TRANSPORTATION (DOT) SECTION 4(f), LANDS: Section 4.6 of the Final EA addresses potential impacts to Section 4(f) lands. There are no Section 4(f) lands on the South of Sloan site; therefore, there would be no direct use of any lands protected by DOT Act Section 4(f) with the Proposed Action. Several National Parks and recreational facilities, two wilderness areas, two areas of critical environmental concern, three major conservation recreation areas, and several cultural resources are beneath potential helicopter flight corridors associated with the Proposed Action. Section 180 of Public Law 109-115 requires helicopter air tours operations originating or concluding at the heliport that transverse the Sloan Canyon National Conservation Area must fly within a prescribed 2-mile wide, east-west corridor and fly above certain altitudes. The principal purpose of this provision is to protect sensitive resources within Sloan Canyon NCA. No significant helicopter noise impacts would occur as a result of implementing the Proposed Action compared to the No Action Alternative.

Section 4.6.2.3 of the Final EA discloses two sites (R4 and R5 – the Sloan Canyon petroglyphs) along with site R6 were selected to document the existing ambient noise levels within Sloan Canyon National Conservation Area. To determine potential impacts on Section 4(f) protected park resources, noise monitoring sites predicted noise levels from helicopter operations alone under the Proposed Action for 2011 and 2017, which are anticipated to be less than existing DNL values as measured during the ambient noise level monitoring at the same locations in 2004.

The Final EA states sites within the Sloan Canyon NCA and beneath the McCullough flight corridor would be exposed to helicopter noise of DNL 26 to DNL 44 in 2017 if the helicopters fly at an altitude between 300 and 1500 feet above ground level. Helicopters returning to the Las Vegas Strip would use the existing Charleston/Strip Railroad flight corridor, sites beneath this flight corridor would be exposed to helicopter noise of DNL 38 and DNL 48 in 2017, depending on the altitude of the helicopter above the ground.

The relocation of Grand Canyon helicopter air tours to other areas of Lake Mead National Recreation Area under the Proposed Action would not substantially impair the resource considering that the areas that would potentially receive the new over flights are areas that currently experience aircraft over flights, motorized boating, and/or other man-made noise and do not appear to be managed to preserve or restore a quiet setting. Therefore, no significant direct

or indirect impacts to, or constructive use of, Section 4(f) lands would occur under the Proposed Action.

As stated in Section 4.6.2.3 of the Final EA, the No Action alternative currently overfly DOT Act Section 4(f) lands including publicly owned recreations area, wildlife areas, and parks. In addition, it is anticipated that some helicopter operations might move from McCarran to other facilities in Clark County under the No Action alternative and additional routes could be established from other facilities over Section 4(f) lands.

F. HISTORIC, ARCHITECTURAL, ARCHAEOLOGICAL AND CULTURAL RESOURCES: Section 4.7 of the Final EA describes the potential impacts on archaeological and historic properties. Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended and its implementing regulations (36 CFR Part 800), FAA consulted with the Nevada State Historic Preservation Officer (SHPO) on the Proposed Action. Based on the survey findings, the FAA determined that the construction and operation of the Proposed Action alternative site may potentially impact historic properties listed or eligible for listing, on the National Register of Historic Places (NHRP). The SHPO concurred with FAA's findings in a letter dated May 13, 2008 that the proposed undertaking would not adversely affect historic properties "*with avoidance and monitoring requirements outlined.*" A copy of this letter is contained within Appendix H of the EA. Avoidance and monitoring measures are discussed in the Mitigation Section, Section VI. The SHPO identified four sites within the Sloan Canyon National Conservation Area under the potential and existing flight corridors as noise-sensitive sites to be considered in this EA. However, no adverse affects on these four cultural resources would be anticipated as a result of the Proposed Action because the predicted helicopter noise levels at all four sites are anticipated to be below ambient noise levels measured at sites within Sloan Canyon National Conservation Area. Tribal coordination was undertaken at the onset of the project to identify any concerns related to potential impacts to tribal resources. Two written responses were received from Native American tribes during consultation regarding the Proposed Action and neither comment indicated concerns regarding impacts to tribal resources. Section 180 of Public Law 109-115 requires helicopter air tours operations originating or concluding at the heliport that transverse the Sloan Canyon National Conservation Area must fly within a prescribed 2-mile wide, east-west corridor and fly above certain altitudes. The principal purpose of this provision is to protect sensitive resources within Sloan Canyon NCA. Copies of the letters sent to and received from the tribes are contained within Appendix H of the Final EA.

The SHPO indicated that if any cultural features or deposits are encountered during construction, all construction activities in the vicinity of the project would cease until a determination can be made as to its significance. FAA has determined the proposed undertaking will not affect any properties listed or eligible for listing on the National Register of Historic Places.

No significant impact to cultural or historic resources would likely occur with the No Action alternative as no construction would occur.

G. NATIVE AMERICAN RELIGIOUS CONCERNS: Section 4.8 of the Final EA addresses the potential impacts of the Proposed Action on Native American Religious Concerns contained in the *American Indian Religious Freedom Act of 1978* and Executive order 13007, *Indian Sacred Sites.* No adverse impacts to Native American religious concerns would be expected with the Proposed Action compared to the No Action alternative and no mitigation measures would be required. Section E, Department of Transportation 4(f) Lands discusses Native American religious concerns as they pertain to management of religious resources. Section F, Historic, Architectural, Archaeological, and Cultural Resources, discusses Native American concerns received through consultation with the Federally-recognized tribes and bands in the Las Vegas region.

H. FISH, WILDLIFE AND PLANTS: Section 4.10 of the Final EA addresses the potential impacts of the Proposed Action and the No Action alternatives on Fish, Wildlife and Plants. As part of the EA, the FAA consulted with the U.S. Fish and Wildlife Service (USFWS) regarding potential

impacts to wildlife, plants and native habitat as a result of the Proposed Action. Biological surveys were conducted as part of the EA. No State-listed or BLM-sensitive species were found on the Heliport site except for desert bighorn sheep. Special status species and potential habitat were also found within the utility corridor. Construction and operation of the Proposed Action could result in direct loss of plants and wildlife and the permanent loss of general wildlife and plant habitat. Such impacts would be minimized through implementation of conservation measures, as detailed in the Biological Opinion issued from the USFWS on July 1, 2008 discussed in Section VI, Mitigation. Based on the limited existing research on wildlife sensitivities to over flights, estimated overflight altitudes, and the nature of the over flights (hovering activities are not likely to occur), minor indirect impacts to wildlife beneath the potential flight corridors would be expected as a result of the Proposed Action.

No construction will occur with the No Action alternative; therefore, there will be no adverse impacts to wildlife or plants. In addition, it is anticipated that some helicopter operations might move from McCarran to other facilities in Clark County under the No Action alternative and additional routes could be established from other facilities over habitat areas.

I. FEDERALLY-LISTED THREATENED OR ENDANGERED SPECIES: Section 4.11 of the Final EA discusses the impacts to Federally-listed threatened or endangered species. A Biological Assessment determined that the Proposed Action is likely to adversely affect the Federally-listed desert tortoise which occupies the project site and the utility corridor. FAA conducted formal Section 7 consultation with the USFWS which resulted in a Biological Opinion (BO) issued July 1, 2008. Construction and operation of the Proposed Action would lead to an incidental taking of the species. Construction activities and increased vehicular traffic throughout the project site could result in direct mortality of individual tortoises and crushing of burrows. Therefore, completion of this project is likely to have some adverse impact to the desert tortoise, but USFWS stated that the Proposed Action would not jeopardize the continued existence of the species. The Short-term/construction and long-term impacts to the desert tortoise and potential loss of habitat would be mitigated through implementation of conservation measures as prescribed in the BO which are discussed in Section VI, Mitigation.

Under the No Action alternative, a Heliport would not be constructed. As stated in Section 4.11.2.2 of the Final EA, under the No Action alternative, helicopter air tour operators would continue to adhere to the current Clark County Multiple Species Habitat Conservation Plan permit issued by USFWS.

J. FLOODPLAINS AND FLOODWAYS: Section 4.13 of the Final EA states that no part of the Heliport site is within a 100-year floodplain. As shown on Exhibit III-16, about five miles south of the South of Sloan site, about one-sixth of the proposed communication line from the Jean Exchange Service to the Heliport site would cross several portions of a small 100-year floodplain. This floodplain is currently bisected by Interstate 15, Las Vegas Boulevard, and the Railroad. The floodplain is also located adjacent to Las Vegas Boulevard near the Jean exit from I-15.

An underground communication line would be installed from a switching station in Jean extending north approximately 52,000 feet to the South of Sloan site near Las Vegas Boulevard. Trenching would be required to install the line but the exact location would not be known until the telephone company completes its design for the line. The telephone company would apply for a Right of Way from the BLM, and the issuance of that grant would require adherence to terms and conditions of applicable Biological Opinions issued to the BLM. FAA anticipates the overall permanent impacts would be substantially less than the 50-foot wide ROW.

At this time, the proposed South of Sloan Site is just within the boundary for Jean telephone exchange for the telephone company. As described above, this situation would require underground telephone lines from a switching station in Jean to the Heliport be installed using fiber optic cables placed in a trench instead of using telephone poles. However, the proposed Heliport is actually closer to the Sloan exchange. In order to bring telecommunication service to the Heliport from the Sloan exchange, the telephone provider may have to obtain approval from

the Federal Communications Commission. CCDOA is working with the telephone company to see if this is a possibility, which would avoid the potential of affecting the small floodplain. If the telephone company must bring service to the north from Jean, they have indicated to CCDOA the trench could be on either side of Las Vegas Boulevard.

The FAA has determined that the encroachment into the 100-year floodplain, by the installation of the underground telephone line project does not meet the definition of a "significant encroachment" described in. DOT Order 5650.2 defines a "significant encroachment" as one that involves the following three criteria: (1) a considerable probability of loss of human life, (2) likely future damage associated with the encroachment that could be substantial in cost or extent including the interruption of service on or loss of a vital transportation facility, and (3) a notable adverse impact on natural and beneficial floodplain values.

It is important to note there are telephone lines along Las Vegas Boulevard today and much larger power lines and towers throughout the area. FAA has considered practicable alternatives, and given the location of the transportation/utility corridor on the east side of I-15, coupled with the fact that the floodplain, as shown on Exhibit III-16 crosses I-15 there are no practicable alternatives. FAA believes installation of underground utilities will not affect the 100 floodplain or its ability to function as a floodplain.

Under the No Action alternative, a Heliport would not be constructed; therefore there would be no impacts to any floodplains and floodways.

K. WATER QUALITY: Section 4.14 of the Final EA discusses impacts to water resources; groundwater, wastewater, and stormwater and surface water. Implementation of the Proposed Action alternative will require the construction and operation of a septic sewage system or a package treatment plant at the Heliport site and all treatment would be conducted on-site. The Proposed Action has the potential to affect the quality of groundwater from the construction and operation of impervious surfaces, fuel tanks, and septic systems or package treatment facility. Appropriate measures will be incorporated into the design and construction and operation of the Heliport to minimize adverse effects on groundwater.

In response to comments received on the Proposed FONSI/ROD from Clark County Department of Air Quality and Environmental Management, FAA states, in part, in Appendix A to this FONSI/ROD, "Section 4.14.1 states all necessary precautions would be incorporated in the construction procedures to prevent any potential long-term effects of site development concerning water quality. Further, in accordance with Clark County Code Chapter 24.34 and SNWA's drought restrictions, CCDOA agrees to design the Heliport to incorporate the most efficient outdoor use of water, to the extent practicable.

Under the No Action alternative, a Heliport would not be constructed and no new effects to groundwater quality would be anticipated unless some helicopter operations move from McCarran to other facilities in Clark County under the No Action alternative and additional water usage is required from other facilities.

Septic tanks or a package treatment facility would provide wastewater treatment needs at the Heliport site. Earthwork-related items for wastewater treatment would include excavation for tanks and installation of special backfill around the drain piping. Proper installation and maintenance of the wastewater system would be ensured to reduce the potential for leakage into the surrounding environment. No adverse wastewater impacts are anticipated as a result of the Proposed Action and therefore no mitigation measures would be required.

Although no new facilities would be constructed under the No Action alternative, wastewater generation to accommodate passengers at McCarran would be at the same or similar levels to those anticipated under the Proposed Action. No increases in wastewater generation would occur beyond what would occur as the number of Grand Canyon helicopter tour passengers increases over time.

During construction, the exposure of site soils could create greater potential for mobilization of pollutants and sediments in stormwater runoff in the short-term. Construction-related effects on stormwater volume and quality would be temporary and would be minimized through adherence to Federal, State, and local laws and regulations. Construction best management practices that would be implemented to minimize potential construction-related effects are discussed in Section VI, Mitigation. Measures to address and accommodate stormwater runoff in the long-term operation of the Heliport would be included in the design consistent with Federal, state, and local standards. No adverse impacts are anticipated as a result of the Propose Action and therefore, no mitigation measures beyond best management practices would be required.

Under the No Action alternative, a Heliport would not be constructed and there would be no new impacts on water quality beyond what would occur as the number on Grand Canyon helicopter air tour passengers and operations increases over time or relocate to other facilities.

L. HAZARDOUS MATERIALS, POLLUTION PREVENTION, AND SOLID WASTE: Section 4.15 of the Final EA discusses potential impacts on hazardous material, pollution prevention, and solid waste. A Phase I Environmental Site Assessment of the Heliport site was conducted, along with a review of historical and current Federal, State, and local records. No sites of environmental concern within the project site were revealed. Field reconnaissance revealed no contamination, solid waste, or sources of environmental concern, with the exception of the south edge of the Heliport site, which has been utilized as an informal shooting range and for off-road vehicle sports. Due to the lead from the spent shotgun shells, it was determined that Recognized Environmental Contamination (REC) was likely to exist on the Heliport site. In the event that lead contamination is discovered at the site during environmental studies, the soil or soil contamination would be removed in accordance with Federal, State, and county regulations. No RECs were found along the utility corridor. Hazardous materials would be used within the site construction areas, with the potential for direct short-term adverse impacts on soil from spills. The most common substances that may be spilled during project construction include diesel fuel, gasoline, and lubricating oil. Preventative measures, or best management practices, would be implemented to minimize potential construction-related effects as describe in Section VI, Mitigation. Therefore, no mitigation measures are required with the Proposed Action.

Because the generation of solid waste is directly related to the number of passengers accommodated at a facility, no increase in the amount of solid waste would be expected within the region with the implementation of the Proposed Action. No landfills are located within a five-mile radius of the Heliport site; therefore the Proposed Action is consistent with the recommended guidance in FAA AC 150/5200-33B, *Hazardous Wildlife Attractants on or near Airports* [IV-26]. Solid waste generated from construction and operation of the Proposed Action would be temporary and long-term impacts to local landfill facilities would be negligible compared to waste generated in the Las Vegas region as a whole.

Under the No Action alternative, a Heliport would not be constructed; therefore it will result in no new impacts to hazardous materials or solid waste beyond what would occur as the number of Grand Canyon helicopter air tour passengers increase over time or relocate to other facilities.

M. LIGHT EMISSIONS: Section 4.16 of the Final EA describes the potential impacts on light emissions. Under the Proposed Action alternative, light emissions from helicopter operations would be either localized to the Heliport site or would occur at sufficient altitude so as not to cause adverse impacts beneath the flight corridors. Light emissions from a navigational lighting system, such as the Heliport rotating beacon, would not adversely affect existing land uses or the aesthetics of the area.

Under the No Action alternative, no construction would occur and light emission from helicopter operations at McCarran would not change beyond what would occur as a result of increasing numbers of Grand Canyon air tour operations either at McCarran or other facilities.

N. VISUAL RESOURCES: Section 4.17 of the Final EA describes the potential impacts on visual resources with the Proposed Action alternative. As determined using the Visual Resource Management system, the Proposed Action would result in a visual contrast that attracts the attention of people traveling along Las Vegas Boulevard South and I-15, but would not dominate the view of the casual observer. Visual analysis indicated there would be moderate landform and vegetation contrasts with the natural landscape, created by form, line and color changes resulting from vegetation and soil disturbances associated with construction activities such as grading. There would also be structurally-related form and line contrasts, produced from the addition of terminal facilities, maintenance facilities, office space, paved roadways, paved parking areas, paved helicopter touchdown, and lift-off areas. Indirect impacts to scenic quality would result from the regular presence of vehicles and helicopters. The CCDOA would abide by the Clark County Building Code in terms of construction materials and landscaping, consistent with minimizing adverse visual impacts associated with the Heliport. Although portions of the Proposed Action would be visible to observers, impacts would not exceed VRM Class III objectives, which allow for a moderate degree of change to the natural landscape. Therefore, no mitigation measures would be required.

Under the No Action alternative, the proposed Heliport would not be constructed and there would be no impacts to scenic quality beyond what would occur as a result of increasing numbers of Grand Canyon air tour operations either at McCarran or other facilities.

O. NATURAL RESOURCES AND ENERGY SUPPLY: Section 4.18 of the Final EA discusses the resource utilization and energy supply associated with the Proposed Action alternative. Implementation of the Proposed Action would not result in a substantial increase in the use of fuel as a result of the number of operations or ground trips, but the use of aircraft fuel would increase as a result of longer flight distances and the use of automotive fuel would increase because of the longer distances required to transport passengers between the Heliport and the Las Vegas Strip. These increases would not be considered significant. Construction and operation of the Heliport would also require the use of natural resources; however, these resources are not unique or in short supply in the Las Vegas region. The Proposed Action would not adversely impact supplies of natural gas, electricity, or fuel because consumption rates would not adversely impact regional supply of natural gas and energy supply.

Under the No Action alternative, a Heliport would not be constructed and Grand Canyon helicopter air tours would continue to primarily operate from facilities on the west side of McCarran or at other facilities. There would be no change to existing helicopter facilities under the No Action alternative. The capacity of existing utility companies who supply electricity and gas to McCarran is adequate to accommodate forecast levels of Grand Canyon helicopter operations and passengers under the No Action alternative.

P. SECONDARY (INDUCED) IMPACTS: Section 4.19 of the Final EA indicates there will be no adverse secondary or induced impacts with the Proposed Action alternative. As discussed in Sections A, Noise, and D, Air Quality, there would be no significant changes in aircraft noise exposure and no adverse impacts to local or regional air quality as a result of implementing the Proposed Action alternative. As described in Section B, Compatible Land Use, much of the land in the vicinity of the Heliport is managed by the BLM and is outside of the BLM disposal area; and land around the Heliport site is mostly undeveloped. No residential or commercial developments are planned at this time. Further, as the Heliport would specifically serve tourists visiting the Las Vegas region, no new commercial or residential development in the vicinity of the Heliport is anticipated as a result of the Proposed Action. No substantial shift in population movement and growth or changes in business and economic activity are anticipated as a result of developing the Heliport; no adverse secondary impacts are anticipated. Utilities to the site would be constructed in a manner consistent with standard practices of the utility providers. However, it is not anticipated that provision of utilities to the Heliport site would result in development beyond what would already occur.

Under the No Action alternative, a Heliport would not be constructed; therefore no adverse secondary impacts would occur.

Q. CONSTRUCTION IMPACTS: Section 4.20 of the Final EA discusses construction impacts that could generate adverse environmental impacts. Construction and operation of the Heliport and utility corridor would be conducted in accordance with Federal, State, and local laws and regulations, including FAA guidance contained in AC 150/5370-10, *Standards for Specifying Construction of Airports*. Construction-related effects are anticipated, however most would be temporary and could be minimized through construction best management practices (BMPs) and other preventative measures. Specific BMPs can be found in Section VI, Mitigation. No significant construction-related effects are expected with the Proposed Action alternative, and therefore no specific mitigation measures are required.

Under the No Action alternative, a Heliport would not be constructed; therefore there would be no construction-related impacts.

V. CUMULATIVE EFFECTS

According to the CEQ Regulations, cumulative impacts represent the "impact on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR § 1508.7)."

The EA was specifically designed to address the above requirements regarding cumulative impacts. The EA the possible impacts of the Proposed Action alternative and other past, present and reasonably foreseeable developments, both on and off the Heliport site that are related in terms of time or proximity.

Section 3.17 of the Final EA, specifically Table III-13, contains the complete list of these projects.

The South of Sloan site and the surrounding area has not experienced the rapid development found in other parts of Clark County. A critical element of site selection was to move helicopter operations away from existing residential development. Resource issues that are appropriate for analysis under a cumulative impact assessment are addressed in Section 4.22.2 of the Final EA.

A summary of the analysis of the cumulative overall impacts of the Proposed Action alternative is found in Section 4.22.3. No significant cumulative effects are anticipated in any of the resource categories. As the Las Vegas region is expected to grow, it is anticipated that additional development will take place north of the Heliport site within the BLM disposal area boundary. However, based on information presented in Section 4.22.3 and given the scope of this project, it is not anticipated that construction and operation of the Heliport would adversely impact any environmental resources in the Las Vegas region.

The U.S. Environmental Protection Agency in their comments on the Proposed FONSI/ROD asked FAA to include detailed air quality analysis of the proposed SNSA project in the Final EA for the proposed Heliport. The Final EA discloses the spatial and temporal boundaries used to evaluate cumulative effects and notes that FAA along with the BLM, as Joint Lead Agencies are preparing a Draft Environmental Impact Statement for the proposed SNSA project. As stated in the responses to comments, inclusion of air quality analysis of the SNSA at this time is premature. The DEIS is not expected to be published until 2012.

VI. MITIGATION

REQUIRED MITIGATION MEASURES: In accordance with 40 CFR § 1505.3, the FAA will take appropriate steps, through Federal funding grant assurances and conditions, Heliport Layout Plan approvals, and contract plans and specifications, to ensure that the mitigation actions are

implemented during project development, and will monitor the implementation of these mitigation actions, as necessary to assure that representations made in the Final EA with respect to mitigation are carried out. There are no approvals contained in this FONSI/ROD that are specifically conditioned upon full implementation of these mitigation measures. The Proposed Action alternative does require mitigation measures mandated by the U.S. Fish and Wildlife Service. The following mitigation measures are found in Chapter four of the Final EA.

Historic, Architectural, Archaeological, and Cultural Resources. The following avoidance and monitoring measures were outlined by the FAA in its April 10, 2008 letter to the Nevada SHPO. As stated in Section 4.7.2 of the Final EA, in their letter dated May 13, 2008, the Nevada SHPO concurred with FAA's determination that the proposed undertaking will not pose an effect to historic properties with the avoidance and monitoring requirements outlined in FAA's letter

- In order to bring telecommunication service to the Heliport from the Sloan exchange, the telephone provider would have to obtain approval from the Federal Communications Commission. CCDOA is working with the telephone company to see if this is a possibility, which would avoid the potential of affecting one of the two eligible sites within the communication utility corridor (site 26CK7849). If the telephone company must bring service to the North from Jean, they have indicated to CCDOA that the trench could be on either side of Las Vegas Boulevard. If trenching were to occur on the east side of Las Vegas Boulevard, FAA proposes the following mitigation measures for site 26CK7849;
    - A qualified archaeologist would be present to observe the construction activity in the immediate vicinity of this property;
    - FAA and CCDOA would work with the telephone company to avoid trenching within the site, leaving the site undisturbed. In the event that FAA, CCDOA, and the telephone company determine together that the site cannot be avoided, FAA and CCDOA will conduct data recovery efforts in consultation with the SHPO before trenching activities.

Fish, Wildlife and Plants. The following mitigation measures are required in the Biological Opinion issued by USFWS on July 1, 2008 to reduce or eliminate potential impacts to wildlife and plants as a result of construction and operation of the Proposed Action. The CCDOA would encourage helicopter operators to maintain the following clearances (horizontal and vertical), when operationally feasible and safe, to minimize potential effects of helicopter activity on wildlife:

- A minimum distance of 980 feet (300 meters) AGL from desert bighorn sheep habitat. The Sloan Canyon NCA, Black Mountains, and the River Mountains Area of Critical Environmental Concern contains habitat for the desert bighorn sheep.

- A minimum distance of 1,320 feet (400 meters) from bird habitat. The Lake Mead National Recreation Area contains multiple BLM-sensitive species, including the Southwestern willow flycatcher.

- A minimum distance of 1,480 feet (450 meters) from waterbird habitat. It is assumed that waterbird habitats exist at Lake Mead and the Clark County Wetland Park.

Federally-Listed Threatened or Endangered Species. The following mitigation measures are required in the Biological Opinion issued by USFWS on July 1, 2008 to reduce or eliminate the potential impacts to the Federally-listed desert tortoise as a result of construction, operation, and maintenance of the Proposed Action:

- An authorized desert tortoise biologist shall be hired for the project in accordance with Procedures for Endangered Species Act Compliance for the Mojave Desert Tortoise (Service, 1992). An authorized desert tortoise biologist must possess a bachelor's degree in biology, ecology, wildlife biology, herpetology, or closely related fields as determined by the UFWS. The biologist must have demonstrated prior field experience using

accepted resource agency techniques to survey for desert tortoises and tortoise sign, which include a minimum of 60 days field experience. All tortoise biologists shall comply with the USFWS-approved handling protocol (Desert Tortoise Council 1994, revised 1999). In addition, the biologist shall have the ability to recognize and accurately record survey results and must be familiar with the terms and conditions of the Biological Opinion (BO). Those seeking to be an authorized biologist for the project shall complete the Qualifications Form and submit it to the USFWS for review and approval as appropriate. Allow 30 days for USFWS review and response.

- Prior to initiation of construction, an authorized biologist or authorized monitor shall present a desert tortoise awareness program to all personnel who will be onsite, including but not limited to contractors', employees, supervisors, inspectors, and subcontractors. This program will contain information concerning the biology and distribution of the desert tortoise and other sensitive species, their legal status and occurrence in the project area; the definition of "take" and associated penalties; the terms and conditions of the BO; the means by which employees can help facilitate this process; responsibilities of workers, monitors, biologists, and supervisors; hazardous substance spill prevention and containment measures; and reporting procedures to be implemented in case of desert tortoise encounters or non-compliance with the BO. All informed persons shall sign a statement indicating that they have completed the education program and understand fully its provisions.

- A temporary desert tortoise-proof fence shall be constructed at the perimeter of all construction-sites associated with the heliport facility, including access roads, tank areas, staging areas, and areas to be graded. All surface-disturbing activities associated with construction of the Heliport facility shall occur inside this fence. If fence construction occurs during times of higher tortoise activity (approximately March 1 through October 31), an authorized tortoise biologist shall be onsite during construction of the fence to ensure that no tortoises are harmed. If the fence is constructed during times of low tortoise activity (approximately November 1 through the end of February), an authorized biologist shall thoroughly examine the proposed fence line and burrows for the presence of tortoises and eggs no more than three days before construction commences. Fence construction shall follow the USFWS's recommended specifications for desert tortoise exclusion fencing (Enclosure B of the BO). When construction is complete, the temporary fencing will be removed and a permanent desert tortoise-proof fence shall be constructed around the operations area (the Heliport on the outside of the surrounding access road and airfield fence, around the tank site, and along both sides of the access road to the tank site). Tortoise-proof fence design would consist of 1-inch by 2-inch mesh welded wire, of which 12 inches is buried and 24 inches extends above-ground (see Enclosure B of the BO for specifications).

  FAA notes Enclosure B of the BO anticipates situations where burying the fence is not practical because of rocky or undigable substrate. Enclosure B of the BO states, in part, when this situation occurs, "*...the fence material should be bent at a 90 degree angle to produce a lower section approximately 14 inches wide which will be placed parallel to, and in direct contact with, the ground surface; the remaining 22-inch wide upper section should be placed vertically against the existing fence, perpendicular to the ground and attached to the existing fence with hog rings at 12 to 18-inch intervals. The lower section in contact with the ground should be placed within the enclosure in the direction of potential tortoise encounters and level with the ground surface...*"

- Cattle guards or tortoise-proof gates designed to prevent desert tortoises from entering the fenced Heliport facility shall be installed at appropriate access points.

- Tortoise-proof fences shall be monitored at least quarterly and as soon as possible following precipitation. Maintenance shall include regular removal of trash and sediment

accumulation, repair of any damage, and restoration of zero clearance between the ground and the bottom of the fence.

- An authorized tortoise biologist shall conduct desert tortoise clearance surveys at construction sites (including tortoise-proof fence construction sites), staging areas, and access routes prior to the start of construction. No more than 24 hours prior to commencement of surface-disturbing project activities, the project area would be surveyed for desert tortoise using survey techniques that provide 100 percent coverage. Two complete passes shall be conducted. If a desert tortoise is located on the second survey, a third survey will be required. All desert tortoise burrows, and other species' burrows that may be used by tortoises, shall be examined to determine whether the burrow is occupied by desert tortoises. Tortoise burrows shall be cleared of tortoises and eggs, and collapsed.

- Tortoises and tortoise eggs found during fence construction, clearance surveys, or construction activities shall be removed from the project area. An authorized desert tortoise biologist shall relocate tortoises and eggs to appropriate locations east and/or south of the project site on BLM-administered land. If a suitable location is not available, the authorized desert tortoise biologist shall contact USFWS at 702-515-5230 for further instructions on placement of tortoises.

- Should a desert tortoise or eggs be encountered during construction, all construction activities in the area shall stop until the authorized desert tortoise biologist removes the eggs or tortoise from the construction site.

- Desert tortoises that are located above ground and need to be moved from the construction site shall be placed in the shade of a shrub. All desert tortoises removed from burrows shall be placed in an unoccupied burrow of approximately the same size and orientation as the one from which it was removed.

- All potential desert tortoise burrows located within the project area shall be excavated by hand by an authorized desert tortoise biologist, tortoises removed, and collapsed or blocked to prevent occupation by desert tortoises. All desert tortoise handling and removal, and burrow excavations, including nests, shall be conducted by an authorized desert tortoise biologist in accordance with the USFWS-approved protocol (Desert Tortoise Council 1994, revised 1999). If the Desert Tortoise Council releases a revised protocol for handling of desert tortoises before initiation of project activities, the revised protocol shall be implemented for the project area.

- Desert tortoises shall be treated in a manner to ensure that they do not overheat, exhibit signs of overheating (e.g., gaping, foaming at the mouth, etc.), or are placed in a situation where they cannot maintain surface and core temperatures necessary to their well-being. Desert tortoises shall be kept shaded at all times until it is safe to release them. No desert tortoise shall be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 95 degrees F (35 degrees C). Ambient air temperature shall be measured in the shade, protected from the wind, at a height of 2 inches (5 centimeters) above ground surface. No desert tortoise shall be captured if the ambient air temperature is anticipated to exceed 95 degrees F before handling and relocation can be completed. If the ambient air temperature exceeds 95 degrees F during handling or processing, desert tortoises shall be kept in a shaded environment that does not exceed 95 degrees F, and the animals shall not be released until ambient air temperature declines to below 95 degrees F.

- A litter control program shall be implemented during construction activities to minimize predation on desert tortoises by predators drawn to the project area. Trash and food items shall be disposed of properly in predator-proof trash receptacles with resealing lids.

During construction activities, trash receptacles will be emptied and waste removed from the project area daily.

- Off-road travel outside construction zones shall be prohibited.

- The perimeter of all construction zones shall be fenced with desert tortoise-proof fencing, and all construction activity shall occur inside fenced areas.

- After construction of the Heliport facility, if additional habitat disturbance is anticipated to occur outside the fenced area within undisturbed portions of the 229-acre parcel, an authorized desert tortoise biologist shall be onsite to ensure habitat disturbance is minimized and desert tortoises do not wander into harm's way.

- Weed monitoring would be conducted for species identified by the State of Nevada as well as for additional species not on the State of Nevada's Noxious Weed List that are known to invade desert tortoise habitat (such as red brome, *Bromus madritensis ssp. rubens*). Should such species be found during monitoring, control and eradication efforts shall be implemented following a CCDOA-prepared, BLM-approved noxious weed plan. Herbicides would not be used in areas occupied by desert tortoises.

- Within the project area, soil erosion and storm water runoff will be controlled using BMPs as recommended by the FAA and BLM.

- The FAA shall ensure payment by CCDOA, of remuneration fees to be deposited into the Desert Tortoise Public Lands Conservation Fund (account number 730-9999-2315) (section 7 account) for compensation of the loss of desert tortoise habitat as a result of the Proposed Action. The FAA and USFWS shall require a receipt of payment from CCODA, prior to transfer of land from BLM to CCDOA.

  The Proposed Action will disturb 146 acres of desert tortoise habitat presently administered by the BLM. However, the FAA and CCDOA propose to pay disturbance fees for the entire 229-acre parcel, in the event that the final project design requires disturbance of more than 146 acres. The current compensation rate for disturbance to desert tortoise habitat in the project area is $753 per acre. Each year these fees will be indexed for inflation based in the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers. The next rate adjustment will occur on March 1, 2009. The section 7 payments shall be accompanied by the attached Section 7 Fee Payment Form (Enclosure C of BO), and completed by the payee. Payment would be certified check or money order payable to Clark County.

  If less than 229 acres of tortoise habitat are disturbed, the FAA and CCDOA may submit a request to the USFWS for a refund of fees paid for acreage of desert tortoise habitat that was not disturbed.

- The CCDOA shall designate an authorized desert tortoise biologist who will be responsible for overseeing compliance with protective stipulations for the desert tortoise and coordinating with the USFWS. The authorized biologist shall have the authority to halt activities that may be in violation of the stipulations.

- The authorized desert tortoise biologist shall submit a closeout report to the USFWS's Nevada Fish and Wildlife Office in Las Vegas, no later than three months after the project is complete documenting the following:

  - The number of tortoises taken and the form of take (e.g., captured and displaced, killed, injured, or harassed by other means);
  - An assessment of the effectiveness of the protective measures outlined as the terms and conditions in the BO;

- Information on each desert tortoise handled. Information will include the following; location (GPS), date and time of observation; whether the tortoise was handled; general health and whether it voided its bladder; location tortoise was moved from and location moved to; and unique physical characteristics of each tortoise;
- Information on any other desert tortoise sign (including burrows, scat, shell fragments) observed in the action area and their location (GPS);
- This closeout report will also describe if the project was implemented as described in the BO or if changes to the project occurred during implementation.

- The authorized desert tortoise biologist shall notify USFWS of any desert tortoise death or injury due to project implementation by close of business on the following work day by calling the Las Vegas office at 702-515-5230.

- Injured desert tortoises shall be delivered to any qualified veterinarian for appropriate treatment or disposal.

- Dead desert tortoises suitable for preparation as museum specimens shall be frozen immediately and provided to an institution holding appropriate Federal and State permits per their instructions.

- Should no institution want the desert tortoise specimens, or if it is determined that they are too damaged (crushed, spoiled, etc.) for preparation as a museum specimen, then they may be buried away from the project area or cremated, upon authorization by the USFWS.

- BLM or CCDOA shall bear the cost of any required treatment of injured desert tortoises, euthanasia of sick desert tortoises, or cremation of dead desert tortoises.

- Should sick or injured desert tortoises by a veterinarian and survive, they may be transferred as directed by the USFWS.

Construction Impacts. Construction BMPs will be implemented to minimize potential construction-related effects. Construction-related effects are considered temporary and can be minimized through consideration and adherence to Federal, State, and local laws and regulations, including guidance in FAA AC 150/5370-10, *Standards for Specifying Construction of Airports*. The following best management practices are recommended during construction:

- **Spill Prevention, Control, and Countermeasures Plan**: The potential for hazardous material spills within the construction site could be minimized through implementation of a spill prevention, control, and countermeasures plan. The plan would restrict the location of fuel and other hazardous materials storage, and would restrict the locations for construction vehicle maintenance within the construction area. The plan would also provide procedures and recommended materials to contain and clean up hazardous on-site spills, should they occur.

- **Stormwater Pollution Prevention Plan**: The potential for stormwater runoff and subsequent soil erosion and sedimentation will be minimized through implementation of a stormwater pollution prevention plan. The plan will be able to be modified, if needed, to incorporate BMPs to meet the requirements for permit coverage under the NPDES. The measure described in the plan will be designed to reduce or minimize the adverse impacts from runoff-caused soil mobilization and sedimentation.

- **Exotic/Noxious Weed Plan**: The potential spreading of weeds during construction-related activities can be minimized as described in the Federally-Listed Threatened and Endangered Species portion of this section.

- **Wildlife Protection:** Construction activities that could adversely affect wildlife that inhabit and/or stray into the Heliport site can be minimized as described in the Federally-Listed Threatened and Endangered Species portion of this section.

- **Wildfire Prevention**: Measures to reduce wildfire potential during construction of the Heliport will include:

    - Restricting construction during conditions of extreme fire danger.
    - Storing hazardous and flammable materials in accordance with the manufacturer's recommendations.
    - Collecting and storing combustible trash in containers with lids.
    - Maintaining basic fire-fighting equipment on-site.

- **Dust Control Plan**: Specific procedures for the control of dust generated by construction activities for air quality purposes are:

    - Apply dust suppressant (water) throughout the construction site to stabilize soil.
    - Establish traffic control in the construction area.
    - Use tarps or other suitable enclosures on haul trucks.
    - Implement a site-specific dust reduction plan, which is required for projects of 10 acres or more.

VII. AGENCY FINDINGS

In accordance with the guidelines described in paragraph 800 of FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Action,* the FAA has made the following findings and determinations, as necessary, for the Proposed Action based upon appropriate evidence set forth in the Final EA and supporting administrative record.

1. The project is reasonably consistent with existing plans of public agencies for development of the area [49 USC § 47106(a)].

The proposed Southern Nevada Regional Heliport is situated entirely on land managed by the Bureau of Land Management. The Proposed Action is consistent, Public Law with the plans, goals and policies for the area.

2. Fair consideration has been given to the interests of communities in or near the project location [49 USC § 47106(b)(2)].

Throughout the EA process, local government officials, agencies, organizations, and residents of nearby communities have been consulted, or have participated in activities that have contributed to the preparation of the Final EA. Appendix L of the Final EA contains the responses from the various agencies that were consulted.

The Draft EA was made available to the public on April 4, 2008. The public comment period on the Draft EA ended on May 9, 2008. There were 32 comments received and addressed in the Final EA. CCDOA held a Public Information Workshop on May 4, 2008 and a public hearing on May 6, 2008. Four oral comments were received during the Public Hearing.

The Proposed FONSI/ROD was made available for public review and comment from December 28, 2008 to January 28, 2009. FAA received three comment letters on the Proposed FONSI/ROD. Responses to these comments are provided in Appendix A to this FONSI/ROD.

3. Appropriate action has been or will be taken to restrict, to the extent reasonable, the use of land in the vicinity of the Heliport to purposes compatible with Heliport operations [49 USC § 47107(a)(10)].

In its May 6, 2008 letter, the Clark County Board of Commissioners provided the required land use assurances to the FAA (See Final EA, Appendix E).

4. Any actions that encroach on a floodplain. The Final EA identified that a portion of the communication line within the Transportation/Utility Corridor for the Proposed Action will create a minor, encroachment into a small 100-year floodplain. In accordance with Executive Order 11988 – Floodplain Management and Table 7.1 of FAA Order 5050.4B, the FAA has determined that the encroachment into the 100-year floodplain, by the underground communication line does not meet the definition of a "significant encroachment" described in Department of Transportation Order 5650.2, *Floodplain Management and Protection*. Department of Transportation Order 5650.2 defines a "significant encroachment" as one that involves the following three criteria: (1) a considerable probability of loss of human life, (2) likely future damage associated with the encroachment that could be substantial in cost or extent including the interruption of service on or loss of a vital transportation facility, and (3) a notable adverse impact on natural and beneficial floodplain values. The DOT Order contains the Department's policies and procedures for implementing Executive Order 11988.

5. The FAA has given this proposal the independent and objective evaluation required by the Council on Environmental Quality [40 CFR 1506.5].

As described in the Final EA, the Proposed Action and the No Action alternatives were studied extensively to determine the potential assessed impacts and appropriate mitigation measures. FAA provided input, advice, and expertise throughout the planning and technical analysis, along with an administrative and legal review of the project. FAA has independently evaluated the 2008 Final EA, and takes responsibility for its scope and contents.

6. Determination that the airport development is reasonably necessary for use in air commerce or in the interests of national defense pursuant to 49 USC § 44502(b).

The FAA has determined that the Proposed Action described in the Final EA would improve the helicopter noise currently imposed over noise sensitive land uses operating out of McCarran International Airport. FAA has determined the proposed Heliport can be operated safely and efficiently. The Heliport Layout Plan was evaluated under airspace case number 2007-AWP-305-NRA.

VIII. DECISION AND ORDERS

Section 2.5 of the Final EA identifies Alternative 1, the Proposed Action alternative as Clark County's preferred action. The FAA has identified Alternative 1 as the FAA's preferred alternative. The FAA must now select one of the following choices:

- Approve agency actions necessary to implement the Proposed Action, or
- Disapprove agency actions to implement the Proposed Action.

Approval would signify that applicable Federal requirements relating to Heliport development and planning have been met. Approval would also permit the Clark County to proceed with the proposed eligible development and possibly receive Federal funding. Not approving these agency actions would prevent the Clark County from proceeding with implementation of the Proposed Action in a timely manner with Federal assistance in the form of Airport Improvement Program funds.

Decision: I have carefully considered the FAA's goals and objectives in relation to the various aeronautical aspects of the proposed Heliport in Southern Nevada as discussed in the Final EA. The review included: the purpose and need to be served by this Proposed Action; alternative

means of achieving the purpose and need; the environmental impacts of these alternatives; and the mitigation necessary to preserve and enhance the human environment.

Under the authority delegated to me by the Administrator of the Federal Aviation Administration, I find that the project is reasonably supported. I therefore direct that action be taken to carry out the following agency actions discussed more fully in Section III of this FONSI/ROD, including:

1. Unconditional approval of the portion of the Heliport Layout Plan (HLP) that depicts the proposed airfield submitted by the Clark County for the Southern Nevada Regional Heliport pursuant to 49 USC § 40103(b), 44718 and 47107(a)(16) and 14 CFR 77. The approval of the HLP is based on determinations through the aeronautical study process regarding obstructions to navigable airspace, and that the airport development proposal is acceptable from an airspace perspective.

2. Continued close coordination with Clark County and appropriate FAA program offices, as required, to maintain aviation and airfield safety during construction.

3. Approval to proceed with further processing of an application for Federal assistance for those eligible Heliport development projects described as the Proposed Action within the Final EA and this FONSI/ROD, under 49 USC §§ 47106 and 47107 for the AIP, and under 49 U.S.C. § 40117, as implemented by 14 CFR §158.25, to impose and use passenger facility charges (PFC's) collected at McCarran International Airport to assist with construction and operation of the potentially eligible development items shown on the HLP .

4. Determination under 49 U.S.C. § 44502(b) that Heliport development is reasonably necessary for use in air commerce or the in the interests of national defense.

This order is issued under applicable statutory authorities, including 49 USC § 40101(d), 40103(b), 40113(a), 44701, 44706, 44718(b), and 47101 et seq.

I have carefully and thoroughly considered the facts contained in the attached EA. Based on that information, I find the proposed Federal action is consistent with existing national environmental policies and objectives of Section 101(a) of the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental requirements. I also find the proposed Federal action will not significantly affect the quality of the human environment or include any condition requiring any consultation pursuant to section 102(2)(C) of NEPA. As a result, FAA will not prepare an EIS for this action.

Mark A. McClardy
Manager, Airports Division
Western-Pacific Region

2/20/09
Date

Right of Appeal

This decision, including any subsequent actions approving a grant of Federal funds or approval of an application to impose and use Passenger Facility Charges to Clark County, Nevada, are taken pursuant to 49 USC § 40101 et seq. and 49 USC § 47101 et seq., and constitute orders of the Administrator which are subject to review by the Courts of Appeals of the United States in accordance with the provisions of Section 1006 of the Federal Aviation Act of 1958, as amended, 49 USC § 46110.

Appendix A

Responses to Comments on Proposed Finding of No Significant Impact and Record of Decision

The Final Environmental Assessment (EA) for the Proposed Southern Nevada Regional Heliport was prepared pursuant to the National Environmental Policy Act (NEPA), and in accordance with the Council on Environmental Quality (CEQ) implementing regulations (40 CFR part 1500-1508), and FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions.* On April 4, 2008, Clark County published a Draft EA for the proposed Southern Nevada Regional Heliport. In accordance with federal requirements, the Draft EA was circulated for public review, with the review period closing on May 9, 2008. Clark County conducted one public meeting and one public hearing during the public review period. In accordance with the provisions of the CEQ NEPA regulations (40 CFR 1503.4), Clark County prepared responses to all comments received on the Draft EA, with oversight from the FAA. Appendix L of the Final EA provides written responses to the comments received during the public review periods for the Draft EA.

Pursuant to FAA Order 5050.4B, FAA made its Proposed Finding of No Significant Impact (FONSI) and Record of Decision (ROD) available on December 28, 2008 for a 30-day public review period. The public review period ended on January 28, 2009. A Notice of Availability of the Proposed FONSI/ROD was published in the *Las Vegas Review-Journal* on December 28, 2008.

The FAA has decided to respond to all comments received during the review period for the Proposed FONSI and ROD whether or not such comments pertain specifically to the Proposed FONSI/ROD.

The format for the responses to comments presents, on a letter-by-letter basis, each comment, followed immediately by a response. This format for, and approach to, presentation of the responses to comments on the Proposed FONSI/ROD is similar to the format used in the Final EA. An alphanumeric index system is used to identify each comment and response, and is keyed to each letter commenter and the individual comments therein. For example, the second letter within the group submitting comments on the Proposed FONSI/ROD is from the City of Henderson, Nevada, and the text of the letter is considered to have 17 individual comments. The subject letter was assigned the alphanumeric label "FEA002," representing "Comments on the Proposed FONSI/ROD-Letter No. 2." The individual comments within the letter are labeled as FEA002-1 through FEA002-17. Similar to the Final EA, FAA has included a copy of the comment letters into this appendix.

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AIRPORTS DIVISION
AWP-611

DAQEM
DEPARTMENT OF AIR QUALITY & ENVIRONMENTAL MANAGEMENT
500 S Grand Central Parkway 1st Fl · Box 555210 · Las Vegas, NV 89155-2510
(702) 455-5942 · Fax (702) 383-9994
Lewis Wallenmeyer Director · Alan Pinkerton Assistant Director · Tina Gingras Assistant Director

January 26, 2009

Mr. David B. Kessler, AICP, Regional Environmental Protection Specialist
Federal Aviation Administration, Airport Division, Western-Pacific Region
P.O. Box 92007
Los Angeles, California 90009-2007

Notice of Availability of the Final Environmental Assessment for the Proposed Southern Nevada Regional Heliport and Proposed Finding of No Significant Impact and Record of Decision

Dear Mr. Kessler:

The Clark County Department of Air Quality and Environmental Management (DAQEM) reviewed the subject Final Environmental Assessment (FEA). The Air Program evaluated the FEA for the proposed project, located within Hydrographic Basin 212 in Clark County, Nevada, for compliance with air quality regulations and has no comments. The Water Quality Planning Section of the Environmental Program reviewed the FEA for compliance with the Clean Water Act and Clark County codes and regulations, and offers the following suggestions:

1. Adherence to the Southern Nevada Water Authority's (SNWA) drought restrictions and Clark County Code Chapter 24.34 – Water Use Restrictions. Information on SNWA's drought restrictions can be found at http://www.snwa.com/html/drought_index.html.

2. Adherence to Water Quality Management Plan (WQMP) recommendations and provisions. The WQMP can be found at http://www.accessclarkcounty.com/depts/daqem/Pages/index.aspx.

3. Continued contact with the DAQEM Water Quality Team to ensure any pertinent wastewater treatment data is reviewed for its suitability under the approved WQMP plan, and to ensure any needed WQMP amendments are completed prior to infrastructure construction.

4. Adherence to Chapter 24.40 of the Clark County Code, "Storm Sewer System Discharge."

5. The use of low-impact development design techniques to minimize the erosive and pollution potential of stormwater and surface water flow.

BOARD OF COUNTY COMMISSIONERS
Rory Reid Chairman · Chip Maxfield Vice-Chairman
Susan Brager, Tom Collins, Chris Giunchigliani, Lawrence Weekly, Bruce L. Woodbury
Virginia Valentine, PE, County Manager

6. Pursuant to 40 CFR 122.26, if the proposed facility and Standard Industrial Code (SIC) require, you may be required to file a Construction Notice of Intent (NOI) for stormwater discharge with the Nevada Division of Environmental Protection (NDEP) and prepare a Stormwater Pollution Prevention Plan (SWPPP).

7. Pursuant to 40 CFR 122.26, if the proposed facility and Standard Industrial Code (SIC) require, you may be required to file an Industrial Facility Notice of Intent (NOI) for stormwater discharge with the Nevada Division of Environmental Protection (NDEP) and prepare a Stormwater Pollution Prevention Plan (SWPPP).

We appreciate the opportunity to review the proposed project. If you have any questions about these comments, please contact me at 702-455-1600.

Sincerely,

L. Wallenmeyer

Lewis Wallenmeyer
Director

FEA001 Wallenmeyer, Lewis, Clark County Department of Air Quality and Environmental Management. 1/28/2009.

FEA001-1
Comment: The Clark County Department of Air Quality and Environmental Management (DAQEM) reviewed the subject Final Environmental Assessment (FEA). The Air Program evaluated the FEA for the proposed project, located within Hydrographic Basin 212 in Clark County, Nevada for compliance with air quality regulations and has no comments.

Response: Comment noted.

FEA001-2.
Comment: The Water Quality Planning Section of the Environmental Program reviewed the FEA for compliance with the Clean Water Act and Clark County codes and regulations, and offers the following suggestions:

Adherence to the Southern Nevada Water Authority's (SNWA) drought restrictions and Clark County Code Chapter 24.34 – Water Use Restrictions. Information on SNWA's drought restrictions can be found at http://www.snwa.com/html/drought_index.html.

Response: The SNWA's drought restrictions and associated Clark County Water Use Restrictions address the **quantity** of water used at a site within Clark County. As stated in Section 4.14 of the Final EA, a significant impact to water quality would occur if water quality standards or permit conditions were violated or could not be satisfactorily mitigated or critical aquatic habitat sustaining endangered or threatened species would be degraded. Section 4.14.1 states all necessary precautions would be incorporated in the construction procedures to prevent any potential long-term effects of site development concerning water quality. In accordance with Clark County Code Chapter 24.34 and SNWA's drought restrictions, CCDOA agrees to design the Heliport to incorporate the most efficient outdoor use of water, to the extent practicable.

FEA001-3.
Comment: Adherence to Water Quality Management Plan (WQMP) recommendations and provisions. The WQMP can be found at http://www/accessclarkcounty.com/depts/daquem/Pages/index.aspx.

Response: The Clark County WQMP addresses the **quality** of the water used at a site within Clark County as it relates to Section 208 of the Clean Water Act concerning surface, waste and groundwater quality. Although the heliport facility is described in the WQMP, the plan offers no specific recommendation with respect to the heliport operations. However, there is the following generic recommendation in the WQMP with respect to future development projects in the Sloan area: "Continue coordination between SNWA and the Las Vegas Valley wastewater dischargers to assure a proactive approach to identify future needs in the *(sic)* Sloan." CCDOA agrees to continue appropriate coordination.

FEA001-4.
Comment: Continued contact with the DAQEM Water Quality Team to ensure any pertinent wastewater treatment data is reviewed for its suitability under the approved WQMP plan, and to ensure any needed WQMP amendments are completed prior to infrastructure construction.

Response: See Response to Comment FEA001-2. Section 4.14.2.2 of the Final EA, states that septic tanks or a package treatment facility would provide wastewater treatment needs at the Heliport site. CCDOA will provide DAQEM appropriate information on any foreseeable changes or modifications to the wastewater needs of the Heliport; specifically, if the currently planned commercial septic system changes to a modular (package-type) system or a direct connection to CCWRD or COH public wastewater treatment facilities if/when their service area(s) extend down to Sloan.

FEA001-5
Comment: Adherence to Chapter 24.40 of the Clark County Code, "Storm Sewer System Discharge."

Response: Per the CWA, for any construction project greater than 1 acre, Clark County, as the owner, or its contractor as the operator, is required to file a Notice of Intent (NOI) with NDEP and prepare and implement a SWPPP during construction. Also, Chapter 24.40 refers to the Las Vegas Valley Municipal Separate Storm Sewer System (MS4) permit area only, which is defined in the MS4 permit as the "urbanized portion of the Las Vegas Valley." It is not clear if the Heliport would be considered in the MS4 permit area. Therefore, Clark County will follow Chapter 24.40 in its construction projects and facility operation and maintenance, if applicable.

FEA001-6.
Comment: The use of low-impact development design techniques to minimize the erosive and pollution potential of stormwater and surface water flow.

Response: Section 4.14.2.3 of the Final EA states that measures to address and accommodate stormwater runoff in the long-term operation of the Heliport would be included in the design consistent with federal, State and local standards. However, there are no set standards for low impact design in southern Nevada when it comes to stormwater pollution prevention.

FEA001-7
Pursuant to 40 CFR 122.26, if the proposed facility and Standard Industrial Code (SIC) require, you may be required to file a Construction Notice of Intent (NOI) for stormwater discharge with the Nevada Division of Environmental Protection (NDEP) and prepare a Stormwater Pollution Prevention Plan (SWPPP).

Response: Comment noted. If required by rule or regulation, CCDOA will ensure compliance with 40 CFR 122.26.

FEA001-8
Comment: Pursuant to 40 CFR 122.26, if the proposed facility and Standard Industrial Code (SIC) require, you may be required to file an Industrial Facility Notice of Intent (NOI) for stormwater discharge with the Nevada Division of Environmental Protection (NDEP) and prepare a Stormwater Pollution Prevention Plan (SWPPP).

Response: Comment noted. See Response to Comment FEA001-7.

FEA001-9
Comment: We appreciate the opportunity to review the proposed project. If you have any questions about these comments, please contact me at 702-455-1600.

Response: Comment noted.

HOLLAND&HART

January 28, 2009

VIA EMAIL (dave.kessler@faa.gov)
AND FIRST CLASS MAIL

David B. Kessler, AICP
Regional Environmental Protection Specialist, AWP-610.1
Federal Aviation Administration
Airports Division -- Western-Pacific Region
P.O. Box 92007
Los Angeles, California 90009-2007

Re: Proposed Finding of No Significant Impact and Record of Decision for Proposed Southern Nevada Regional Heliport

Dear Mr. Kessler,

Enclosed please find comments on behalf of the City of Henderson, Nevada, on the Proposed Finding of No Significant Impact and Record of Decision for the Proposed Southern Nevada Regional Heliport.

Sincerely yours,

John A. Bryson
Counsel for the City of Henderson, Nevada

cc: Shauna M. Hughes
City Attorney
City of Henderson, Nevada

Barry Conaty
Holland & Hart

Holland & Hart LLP
Phone [illegible] Fax [illegible] www.hollandhart.com

January 28, 2009
Comments of City of Henderson, Nevada, on Proposed Finding of No Significant Impact and Record of Decision for Proposed Southern Nevada Regional Heliport

VIA EMAIL (dave.kessler@faa.gov) AND FIRST CLASS MAIL

To: David B. Kessler, AICP
Regional Environmental Protection Specialist, AWP-610.1
Federal Aviation Administration
Airports Division – Western-Pacific Region
P.O. Box 92007
Los Angeles, California 90009-2007

The City of Henderson, Nevada, provides the following comments on the December 2008 Proposed Finding of No Significant Impact ("FONSI") and Record of Decision ("ROD") for the Proposed Southern Nevada Regional Heliport at the South of Sloan site ("the preferred site"). As discussed below, the City continues to have very serious concerns about the noise impacts on the City from helicopter flights within the so-called "Henderson" flight corridor identified in the final Environmental Assessment ("EA"). The City's comments on the draft EA pointed out that use of the Henderson flight corridor would appear to create as much of a noise problem as the proposal is attempting to solve. Appendix L, Comment T. The City opposed the use of the Henderson corridor and encouraged use of the more southerly "McCullough" and "Jean" corridors in order to assure that the noise problem would not simply be transferred from one community to another.

The proposed FONSI and ROD, however, do not place binding, enforceable restrictions on helicopter operators that would prevent the use of the Henderson corridor. Without such restrictions, the approval of the site would appear to fail to achieve the goal of the project: the reduction, to the extent practicable, of the **overall** impact on Clark County and its residents of noise from commercial helicopter flights.

The final EA notes that the goal of the planning process was to site a non-urban heliport that would accommodate forecasted Grand Canyon helicopter tour demand and allow for flight corridors that minimize overflights in residential areas. Appendix B, p. B-1. Although a 2000 noise assessment concluded that the noise levels associated with helicopter operations did not rise to the level that the FAA considers "significant," the County concluded that the noise impacts were sufficiently adverse that a relocation of those operations was required.

Further, in 2003, the Nevada Legislature amended Chapter 495 of the Nevada Revised Statutes to require Clark County to designate a preferred site for commercial helicopter operations that among other things, "will reduce," to the extent practicable, "[t]he overall impact on the county and on the residents of the county of noise that is emitted and generated by commercial helicopters . . ." NRS 495.310(2)(c)(1). In the NEPA process, the FAA adopted this criterion, among others, in order to define the purpose and need for the project and to screen

alternative sites. Final EA, pages I-1 to I-2, I-10, II-5. The screening process eliminated all the candidate sites except the preferred site.

The final EA, however, provides no analysis of how the preferred site can satisfy that criterion if helicopter tour operations follow the Henderson corridor. As the City pointed out in its comments on the draft EA, the FAA and the County acknowledge that helicopters using the current corridors disturb approximately 100,000 residents of the County with noise at levels that are considered unacceptable. See Final EA, page I-1. And neither the County nor FAA disputed the City's statement that more than 85,000 people currently live within the Henderson corridor and that additional development could add as many as 40,000 dwelling units within the corridor.

The scenario of using the Henderson corridor thus creates the potential of simply shifting the noise problem to a different set of residents in the County. In response to the City's comments, the FAA offered only the expectation that the operators would be encouraged to use the other corridors further south, which pass over vacant land. Since use of these corridors is voluntary, however, operators are free to use the Henderson corridor or fly over other residential areas of the County. The FAA's response fails to address the obvious question of how moving helicopter overflights from one residential area to another residential area could reduce the overall noise impacts.

The final EA does not purport to analyze that fundamental question. The most the EA can conclude is that shifting helicopter operations away from the current corridors will reduce noise impacts at those locations. Final EA, page IV-5. But that conclusion says nothing about the effects in the new locations for such operations or whether an overall reduction would be achieved.

Nor does the final EA provide any information that could be used to perform the required analysis. The evaluation of noise impacts along the Henderson corridor is based on data developed for only two fixed locations, and only one of those, grid point G3, is said to be representative of residential land. Final EA, Exhibit IV-5. The data provided for G3 are a prediction based on computer modeling of expected helicopter noise if the Henderson corridor is used. There are no current noise data for this grid point. Further, there are no other relevant data that might be used to analyze the relative change in noise impacts in the Henderson corridor or to analyze the overall impact in the County. Final EA, Table IV-1 & n.3. Nor does the 2007 Supplemental Site Suitability Assessment for the preferred site provide an analysis of whether overflights from the preferred site would result in an overall reduction in noise impacts.

Moreover, the question of overall impacts is not addressed by the FAA's conclusion that helicopter noise will not exceed the agency's designated level of significance for NEPA purposes, the 65 DNL noise level. The assessment of overall noise impacts associated with different options is an independent planning criterion, and clearly requires a separate analysis in a situation where the agency's analysis purports to show that all areas are below its significance

level. Given the County's determination that current noise levels are unacceptable, the FAA's metric for significance is clearly inappropriate for the decision that must be made here.

Although the necessary analysis has not been done, it appears to the City that if helicopter operations from the proposed site were prevented from using the Henderson corridor, or any other similar residential corridor, it may be possible to conclude that an overall reduction in noise impacts can be achieved. The EA identifies two other potential corridors, the McCullough corridor and the Jean corridor, that appear to pass over vacant land. The portion of the McCullough corridor that passes over the Sloan Canyon National Conservation Area is already the prescribed route for helicopters that take off from the proposed heliport and cross the Conservation Area. Pub. L. No. 109-115, § 180(d)(4). Use of either of these corridors would clearly have much less impact on the residents of the County.

The EA states that the County does not have the authority to impose a binding requirement to use either the McCullough or Jean corridors. Title 14, Part 161 of the Code of Federal Regulations, however, sets forth procedures that appear to be applicable here under which an airport operator such as the County may implement flight restrictions for the purpose of reducing noise impacts on the surrounding communities. Furthermore, the County and the operators can agree, of course, that operations will be confined to the McCullough or Jean corridors, for example, and incorporate those restrictions into fully enforceable written agreements independent of the Part 161 procedures. Moreover, the City, in its comments on the draft EA, noted its past experience has shown that voluntary guidance for helicopter overflights is ineffective because there is no accountability or enforcement mechanism when helicopter operators fail to adhere to prescribed flight corridors. Any restrictions placed on operators from the proposed site must include an effective means of ensuring compliance with the prescribed flight paths such as substantial financial penalties for failing to adhere to the restrictions.

It seems, therefore, that a requirement to use the McCullough and Jean corridors and avoid the Henderson corridor is a necessary predicate for the FAA to conclude that approval of the proposed site satisfies the purpose of reducing the overall noise impacts on the residents of the County. Accordingly, the City requests that the FAA condition its approval of the project on the implementation of enforceable, binding restrictions limiting helicopter tour operations to the McCullough and Jean corridors.

FEA002 Bryson, John, A, Counsel for the City of Henderson Nevada, 1/28/2009.

FEA002-1
Comment: Enclosed please find comments on behalf of the City of Henderson, Nevada on the Proposed Finding of No Significant Impact and Record of Decision for the Proposed Southern Nevada Regional Heliport. As discussed below, the City continues to have very serious concerns about the noise impacts on the City from helicopter flights within the so-called "Henderson" flight corridor identified in the final Environmental Assessment ("EA"). The City's comments on the draft EA pointed out that the use of the Henderson flight corridor would appear to create as much of a noise problem as the proposal is attempting to solve. Appendix L, Comment T. The City opposed the use of the Henderson corridor and encouraged the use of the more southerly "McCullough" and "Jean" corridors in order to assure that the noise problem would not simply be transferred from one community to another.

Response: The comment is introductory to comments that follow. Responses to specific comments are provided below.

Henderson Flight Corridor and the shifting of noise from one community to another. The city's concern was noted in Response to Comment T-2 of the Final EA. FAA share's the City's concern about the notion of transferring noise from one community to another.

It is important to note that the appropriate threshold of significance is whether noise sensitive areas experience an increase in noise of 1.5dB or more for changes in aircraft noise within the 65 DNL contour, as defined in Table 7-1 of FAA Order 5050.4B. Paragraph 11(b)(8) of FAA Order 1050.1E defines a noise sensitive area as being within the 65 DNL noise contour for airplanes and helicopters. The purpose for the proposal is to maintain consistency with the Clark County Aviation System Plan, to preserve adequate space at McCarran International to ensure that it can continue to serve its primary role to accommodate commercial aviation activity for the Las Vegas region. Space at McCarran International Airport and the other airports that accommodate both fixed wing and rotor wing aircraft is limited.

Federal Public Law 109-115 only requires the use of the McCullough Corridor if a Grand Canyon helicopter tour operator flies for hire over the Sloan Canyon National Conservation Area (NCA). The Act does not require specific flight corridors outside the Sloan Canyon NCA. Additionally the Final EA discloses information that shows there are no adverse noise impacts that would require mitigation. Any restrictions for aircraft operations imposed by FAA must be for safety purposes.

FEA002-2
Comment: The Proposed FONSI and ROD, however, do not place binding, enforceable restrictions on helicopter operators that would prevent the use of the Henderson corridor. Without such restrictions, the approval of the site would appear to fail to achieve the goal of the project: the reduction, to the extent practicable, of the **overall** impact on Clark County and its residents of noise from commercial helicopter flights. [emphasis in original comment].

Response: See Response to Comment X-4 and X-5 in the Final EA and Response to Comment FEA002-1. The commenter is correct the FAA's FONSI/ROD does not place binding and enforceable restrictions on helicopter operators using the proposed Heliport. FAA and CCDOA do not have the authority to mandate flight corridors or the use of those corridors in uncontrolled airspace.

The helicopter noise impact analysis presented in the Final EA along the proposed flight routes is the most conservative assessment as far as noise impacts on noise sensitive land uses is concerned. One of the assumptions used during the noise analysis for the potential corridors includes modeling the noise of all helicopters flying from the proposed Heliport on only one of the corridors at a time. In other words, the analysis presumed that all helicopters using the Heliport would use only one corridor at a time and there would not be a split or fraction of the total number of helicopter operations using the McCullough Corridor or the Jean Corridor while helicopters would

be on the Henderson Corridor. Section 2.5.1.2 of the Final EA states in part "*...CCDOA consulted with the helicopter operators, the FAA and other stakeholders to identify potential flight corridors associated with the Heliport site other than the Congressionally described flight corridor through the Sloan Canyon, NCA. Grand Canyon tours originating from McCarran would follow established corridors.*"

Unlike fixed wing aircraft that operate from McCarran International, Henderson Executive and North Las Vegas airports, helicopters operated by tour operators do not climb to altitudes above 18,000 feet into Class A Airspace for the cruise portion of the flight. Helicopters can fly lower than the prescribed minimum safe altitudes for fixed wing aircraft over congested and uncongested areas pursuant to 14 CFR 91.119(d). The proposed Heliport is located in Class G airspace that extends from the ground to an altitude of 1,200 feet above ground level (AGL), outside of another landing area with an Airport Traffic Control Tower.

FEA002-3
Comment: The final EA notes that the goal of the planning process was to site a non-urban heliport that would accommodate forecasted Grand Canyon helicopter tour demand and allow for flight corridors that minimize overflights in residential areas. Appendix B, p. B-1. Although a 2000 noise assessment concluded that the noise levels associated with helicopter operations did not rise to the level that FAA considers "significant," the County concluded that the noise impacts were sufficiently adverse that a relocation of those operations was required. Further in 2003, the Nevada Legislature amended Chapter 495 of the Nevada Revised Statutes to require Clark County to designate a preferred site for commercial operations that among other things, "will reduce," to the extent practicable, "[t]he overall impact on the county and the residents of the county of noise that is emitted and generated by commercial helicopters..." NRS 495.310(2(c)(1). In the NEPA process, the FAA adopted this criterion, among others, in order to define the purpose and need for the project and to screen alternatives sites. Final EA, pages I-1 to I-2, I-10, II-5. The screening process eliminated all the candidate sites except the preferred site.

The final EA, however, provides no analysis of how the preferred site can satisfy the criterion if helicopter tour operations follow the Henderson corridor. As the City pointed out in its comments on the draft EA, the FAA and the County acknowledge that helicopters using the current corridors disturb approximately 100,000 residents of the County with noise levels that are considered unacceptable. See Final EA, page I-1. And neither the County nor FAA disputed the City's statement that more than 85,000 people currently live within the Henderson corridor and that additional development could add as many as 40,000 dwelling units within the corridor.

Response: See Response to Comment FEA002-1. Appendix D of the Final EA discloses the noise analysis methodology used to evaluate the proposed Heliport. Section D.3.2.1 defines the threshold of significance as the DNL 65 as the standard threshold for land use compatibility planning purposes. As stated in Section 3.5.2.2 of the Final EA, the primary noise sources at McCarran International Airport are fixed-wing jet aircraft. Roadway traffic is also a primary noise source affecting the area. While the noise levels from helicopters were below the federal threshold of 65 DNL, the noise impacts of helicopter overflights along the helicopter departure and arrival routes were sufficient for the U.S. Congress and the State of Nevada Legislature to enact legislation that promotes and enables the relocation of Grand Canyon helicopter tour operators to a non-urban facility. There is no federal prohibition on an airport sponsor from undertaking noise mitigation measures below the 65 DNL contour. However, noise mitigation measures below the 65 DNL contour are not eligible to use funds from the Noise set-aside in the Aviation Trust Fund.

The screening criteria of compliance with NRS 495 adequately performed its function of screening out alternatives that would have resulted in the mere shifting of noise from one populated area of the County to another. Several existing airports, including Henderson Executive, were eliminated from further consideration based on this criterion.

The Final EA discloses in Section 2.3 and in Appendix C the alternatives analysis criterion and methodology used to identify the South of Sloan site. The commenter confuses inclusion of this site with the addition of two alternative corridors in addition to the one specified by Public Law 109-115 (the McCullough Corridor). The alternatives screening criteria was used to evaluate a wide

range of alternative sites. Many of the sites considered did not comply with the provisions of NRS 495 for distance away from a residential land use. It is important to note inclusion of potential routes to and from the proposed site is not required by NRS 495.

FAA appreciates the City's concern about helicopter overflight impacts. FAA also agrees with the commenter that transferring noise from one community to another is not desirable. (See Response to Comment FEA-002-4). FAA Orders 1050.1E and 5050.4B do not require noise analysis of areas that are outside of the 65 DNL noise contour when the threshold of significance is not exceeded for urban environments. While the FAA and Clark County are mindful of future growth and changes in land use patterns, it is not appropriate to count projected future residents (as the commenter proposes) as being equivalent to current residents. However, the noise analysis presented in the Final EA was conducted using the assumption that all helicopter operations would use one particular flight corridor.

As stated in the Final EA in Section 1.2, not all tour operators may choose to relocate to the new Heliport. Therefore, the 100,000 residents currently affected by helicopter overflight noise may continue to receive helicopter noise impacts along with residents nearby other area airports that accommodate Grand Canyon tour operators.

It is reasonable to expect that not all helicopter tour operators would use the longer Henderson Corridor. See the two letters from the helicopter tour operators in Appendix L of the Final EA. One of the tour operators noted in their letter that "*the Jean/Henderson route just add too much flight time to our tour.*" Under the No Action alternative, air tour operations will increase and likely will be conducted from other airports in the area. This would mean that the population exposed to Grand Canyon helicopter air tours under the No Action alternative (including Henderson residents) is likely to be much higher than the 100,000 residents currently exposed. Based on the information disclosed in the Final EA, along with the letters from two of the tour operators that indicate they will use the McCullough Corridor, FAA believes it is reasonable to conclude the proposed Heliport would achieve the goals of NRS 495.

Section 1.5.1 of the Final EA identifies the specific federal actions the FAA must take for this proposed Heliport. These do not include establishment of visual flight routes to and from the Heliport. FAA Order 1050.1E and 5050.4B do not require the FAA to mandate a specific route to or from a new landing area. FAA's statutory mission is to ensure the safe and efficient use of navigable airspace. Since helicopter tour operations are conducted during Visual Flight Rule conditions, there is no requirement to develop Standard Instrument Departure (SID) or Standard Terminal Arrival (STAR) procedures. Therefore formally linking the Henderson Corridor with the South of Sloan site is not appropriate.

FEA002-4
Comment: The scenario of using the Henderson corridor thus creates the potential of simply shifting the noise problem to a different set of residents in the County. In response to the City's comments, the FAA offered only the expectation that the operators would be encouraged to use the other corridors further south, which pass over vacant land.

Response: See Response to Comment FEA 002-3.

FEA002-5
Comment: Since use of these corridors is voluntary, however, operators are free to use the Henderson corridor or fly over other residential areas of the County. The FAA's response fails to address the obvious question of how moving helicopter overflights from one residential area to another residential area could reduce the overall noise impacts.

The final EA does not purport to analyze that fundamental question. The most the EA can conclude is that shifting helicopter operations away from the current corridors will reduce noise impacts at those locations. Final EA, page IV-5. But that conclusion says nothing about the effects in the new locations for such operations or whether an overall reduction would be achieved.

Response: See Responses to Comments FEA002-1 and FEA002-6. As stated in Section 1.4.1 of the Final EA, the CCDOA's purpose and need for the proposed Heliport includes actions other than to reduce the noise impacts from helicopter overflights along existing routes. The Final EA states in Section 3.6.1.3 of the Final EA states land uses beneath the overflight area shown on Exhibit II-8 are undeveloped areas administered by the BLM. This exhibit depicts the three potential flight corridors.

FEA002-6
Comment: The evaluation of noise impacts along the Henderson corridor is based on data developed for only two fixed locations, and only one of those, grid points G3, is said to be representative of residential land. Final EA, Exhibit IV-5. The data provided for G3 are a prediction based on computer modeling of expected helicopter noise if the Henderson corridor is used. There are no current noise data for this grid point. Further, there are no other relevant data that might be used to analyze the relative change in noise impacts in the Henderson corridor or to analyze the overall impact in the County. Final EA, Table IV-1 & n.3.

Nor does the 2007 Supplemental Site Suitability Assessment for the preferred site provide an analysis of whether overflights from the preferred site would result in an overall reduction in noise impacts.

Response: Grid point analysis uses selected points to represent all potential locations along the routes. Under NEPA and FAA Orders 1050.1E and 5050.4B, FAA compares the impacts of the proposed future action to the future No Action and any other reasonable future alternatives. Comparison of the future proposed action to the existing condition is commonly used in California under the California Environmental Quality Act of 1970 (CEQA). CEQA analysis is not applicable within the state of Nevada. It is not necessary to provide noise levels along all points to determine the proposal's potential noise impacts. Since the helicopter tour operators will likely fly at a consistent or higher altitudes above the ground throughout the potential flight corridor, the grid point values disclosed are representative throughout the corridor. It is important to note that in urbanized areas the ambient sound levels are generally higher than in rural areas due to increased human activities. The quantification of noise reduction in the County by the proposed Heliport is beyond the scope of this EA. There are no requirements under NEPA, or its implementing regulations to quantify the overall goal of noise reduction. Further NEPA does not require an Environmental Assessment to assess if the goals of a proposal have been met or not. As stated in Response to Comment FEA002-3, based on the information disclosed in the Final EA, along with the letters from two of the tour operators that indicate they will use the McCullough Corridor, FAA believes it is reasonable to conclude the proposed Heliport would achieve the goals of NRS 495.

FEA002-7
Comment. The question of overall impacts is not addressed by the FAA's conclusion that helicopter noise will not exceed the agency's designated level of significance for NEPA purposes, the 65 DNL noise level. The assessment of overall noise impacts associated with different option is an independent planning criterion, and clearly requires a separate analysis in a situation where the agency's analysis purports to show that all areas are below its significance level. Given the County's determination that current noise levels are unacceptable, the FAA's metric for significance is clearly inappropriate for the decision that must be made.

Response: See Responses to Comments FEA002-3, FEA002-8 and FEA002-9. It is not necessary to have noise measurement data for existing conditions at the grid point locations to determine potential project-related noise impacts.

It is also important to point out the decision to develop a heliport is the responsibility of local government. The FAA's Purpose and Need in this project as described in Section 1.4.2 of the Final EA is to ensure the safe and efficient use of navigable airspace in the United States. As described in Table 1 of 14 CFR Part 150, land uses that are outside the 65 DNL noise contour are all considered compatible with aircraft noise. The 65 DNL level is the federal government's accepted threshold of significance for aircraft noise impacts.

FEA002-8
Comment. If the helicopter operations from the proposed site were prevented from using the Henderson corridor, or any other similar residential corridor it may be possible to conclude that an overall reduction in noise impacts can be achieved.

Response: Comment Noted. Determining the overall reduction in noise exposure below the 65 DNL noise contour in the urban environment is not required by FAA Orders 1050.1E or 5050.4B.. Consequently quantifying the specific noise reduction over the Henderson Corridor and for the existing corridors used by Grand Canyon helicopter tour operators from McCarran International Airport is not required. See Response to Comment FEA002-6.

FEA002-9
Comment. Use of the either of these corridors [McCullough and Jean] would clearly have much less impact on the residents of the County.

Response: Comment noted. The noise analysis disclosed in the Final EA, documents that there are no significant noise impacts created by the proposed Heliport, including an assumed 100 percent use of any of the three potential flight corridors.

FEA002-10
Comment: The EA states the County does not have the authority to impose a binding requirement to use either the McCullough or Jean corridors. Title 14, Part 161 of the Code of Federal Regulations, however, sets forth procedures that appear to be applicable here under which an airport operator such as the County may implement flight restrictions for the purpose of reducing noise impacts on the surrounding communities.

Response: The provisions of 14 CFR Part 161, *Notice and Approval of Airport Noise and Access Restrictions*, are not applicable to the proposed Heliport or the potential flight corridors. Specifically, 14 CFR 161.7(a) states: "*Aircraft operational procedures that must be submitted for adoption by the FAA, such as preferential runway use, noise abatement approach and departure procedures and profiles,* and **flight tracks** *are not subject to this part."* [emphasis added].

FEA002-11
Comment: The County and the operators can agree, of course, that operations will be confined to the McCullough or Jean corridors, for example, and incorporate those restrictions into fully enforceable written agreements independent of the Part 161 procedures.

Response: The commenter is error on the application of 14 CFR Part 161. Part 161 would apply to enforceable agreements resulting in a noise or access restriction. However, FAA's exclusive jurisdiction over airspace in the United States would preclude Clark County from attempting to impose a noise or access restriction at the proposed Heliport through a written agreement.

FEA002-12
Comment: The City, in its comments on the draft EA, noted its past experience has shown that voluntary guidance for helicopter overflights is ineffective because there is no accountability or enforcement mechanism when helicopter operators fail to adhere to prescribed flight corridors.

Response: Comment Noted. See response to comment T-2 in the Final EA.

FEA002-13
Comment: Any restrictions placed on operators from the proposed site must include an effective means of ensuring compliance with the prescribed flight paths such as substantial financial penalties for failing to adhere to the restrictions.

Response: See Responses to Comment, FEA002-11, FEA002-12 and FEA002-14.

FEA 002-14
Comment: A requirement to use the McCullough and Jean corridors and avoid the Henderson corridor is a necessary predicate for the FAA to conclude that approval of the proposed site

satisfies the purpose and need of reducing the overall noise impacts on the residents of the County. Accordingly the City requests that the FAA condition its approval of the project on the implementation of enforceable, binding restrictions limiting helicopter tour operations to the McCullough and Jean Corridors.

Response: See Section 2.5.1.2 of the Final EA. See Responses to Comments FEA002-2, FEA002-3. Federal Public Law 109-115 only requires the use of the McCullough Corridor if a tour operator flies for hire through the Sloan Canyon NCA.. Any restrictions for aircraft operations imposed by FAA must be for safety purposes.

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FAX TRANSMISSION

U. S. ENVIRONMENTAL PROTECTION AGENCY
COMMUNITIES & ECOSYSTEMS DIVISION

75 Hawthorne
San Francisco, CA 94105
Fax: 415-947-3562

DATE: 1/28/09

To: Dave Kessler, FAA (Fax#310-725-6848)

From: Tom Plenys, US EPA

PAGES, including this cover: 6

Message:

US EPA Comments on the Proposed Final Environmental Assessment for the Southern Nevada Regional Heliport

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

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AWP-61

January 28, 2009

David B. Kessler
Regional Environmental Protection Specialist
Federal Aviation Administration, Airports Division
Western-Pacific Region
P.O. Box 92007
Los Angeles, CA 90009-2007

Subject: US EPA Comments on the Proposed Final Environmental Assessment for the Southern Nevada Regional Heliport, Clark County, Nevada

Dear Mr. Kessler:

The U.S. Environmental Protection Agency (EPA) has reviewed the Proposed Final Environmental Assessment (Proposed Final EA) for development of the Southern Nevada Regional Heliport (Project). Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act.

We have appreciated the opportunity to provide input during the development of the Draft EA. We note that on December 17, 2004, EPA previously provided extensive formal scoping comments for this Project which included recommendations for assessing air quality concerns for a project of this nature as well as other key resources. On May 9, 2008, our Draft EA comments included several recommendations to ensure the integration of the heliport with transit alternatives to and from Las Vegas. Additionally, our comments discussed concerns pertaining to impacts to wildlife and air quality as well as cumulative impacts. EPA also recommended clearly identifying measures to avoid and minimize operational and construction-related impacts from the proposed Project.

EPA commends the efforts of the Federal Aviation Administration (FAA) and its consultants to respond to our comments on the Draft EA. As a result, a number of our concerns have been addressed. We note in particular that the Proposed Final EA includes additional clarifying information on operational emissions, greenhouse gases, and conformity. We were particularly pleased to note that the Clark County Department of Aviation (CCDOA) included a section on Hazardous Air Pollutants (HAPs) in the Proposed Final EA which quantified HAP emissions for the Proposed Action and No Action alternatives. We were also pleased to see new information in the Proposed Final EA accounting for the expected increase in motor vehicle trips between the proposed Heliport

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site and the Las Vegas Strip, information previously absent in the Draft EA. Further, EPA commends CCDOA for including measures to reduce operational emissions (Proposed Final EA at L-72) such as the hydrant fueling system and cleaner burning gasoline program. These measures should be included as commitments in the Final EA and Finding of No Significant Impact (FONSI) and should be augmented to include a year-round, rather than seasonal, clean burning gasoline program.

Finally, we also commend FAA for including the U.S. Fish and Wildlife Service (USFWS) Biological Opinion and recommend that the FONSI include a firm commitment to the reasonable and prudent measures proposed (Final EA at L-75) by USFWS.

Based on our review of the Proposed Final EA, EPA continues to have concerns about the transit alternative and cumulative impact analyses, the proposed construction mitigation measures, the County's Sustainability Resolution as it relates to the Proposed Project, and potential impacts to wildlife. These concerns are summarized below and are discussed in further detail in our May 9, 2008 comments. EPA recommends that FAA address these issues prior to making a final decision on the Proposed Project.

Integration With Transit and Transportation

EPA continues to recommend that the construction of a heliport include convenient transit options between Las Vegas and the heliport. FAA and CCDOA should work with the Regional Transportation Commission and pursue opportunities to incorporate transit options to the Heliport that could result through coordination with the proposed Southern Nevada Supplemental Airport and associated transit alternatives to Las Vegas. EPA recommends FAA remain proactive in determining whether transit alternatives can serve both the proposed Southern Nevada Supplemental Airport and the Proposed Project.

Cumulative Impacts

EPA continues to recommend that the Final EA be revised to include a thorough indirect impacts and cumulative impact assessment related to air quality, which should include an analysis of all reasonable foreseeable actions including the Southern Nevada Supplemental Project. Given the potential for land use changes, potential population increases, increases in air traffic in the Project vicinity and a potentially significant increase in vehicular traffic, the proposed Project should be analyzed with consideration of these anticipated cumulative effects. These types of projects, identified within and around the proposed Project, should be included in the cumulative impacts analysis. As discussed in our May 9, 2008 comments, rather than deferring a discussion of how cumulative air quality impacts will be analyzed to a future, separate document or project, EPA believes that this is an appropriate venue to highlight how cumulative impacts to air quality will be addressed.

Construction Mitigation Measures

EPA was pleased to note that the Proposed Final EA includes several mitigation measures to reduce construction emissions, as well as reference to the Clark County Air

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Quality Regulations, construction and dust permit conditions, and EPA, state and county requirements with which the project must comply. EPA commends FAA for incorporating multiple measures to reduce the air quality impacts expected to result from future construction associated with this project. In light of the serious health impacts associated with $PM_{2.5}$ (fine particulate matter) and diesel exhaust exposure, we recommend that the best available control measures for these pollutants be implemented at all times and reiterate our previous comment to incorporate a Construction Emissions Mitigation Plan as part of the Final EA and FONSI. While we recognize that the Project is not currently in the immediate vicinity of sensitive receptors, construction workers themselves as well as potential future receptors should be protected. While FAA notes that CCDOA would work with the selected construction contractors to identify other feasible and cost effective methods to reduce exhaust emissions during construction activities (Final EA at L-71), we recommend that all construction mitigation measures listed in the Proposed Final EA, all applicable requirements under Clark County Air Quality Regulations, and the following additional measures be incorporated into a Construction Emissions Mitigation Plan, where feasible and appropriate, in order to reduce impacts associated with fugitive dust and emissions of $PM_{2.5}$, diesel exhaust, and mobile source air toxics from construction-related activities:

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

Mobile and Stationary Source Controls:

- Reduce use, trips, and unnecessary idling from heavy equipment.
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications.
- Prohibit any tampering with engines and require continuing adherence to manufacturers recommendations
- If practicable, lease new equipment meeting the most stringent of applicable Federal or State Standards. In general, only Tier 2 or newer engines should be employed in the construction phase, given the scale of the construction project.
- Utilize EPA-registered particulate traps and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site.

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Administrative controls:

- Identify all commitments to reduce construction emissions and update the air quality analysis to reflect additional air quality improvements that would result from adopting specific air quality measures.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility.
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.)
- Utilize cleanest available fuel engines in construction equipment and identify opportunities for electrification. Use low sulfur fuel (diesel with 15 parts per million or less) in engines where alternative fuels such as natural gas are not possible.
- Develop construction traffic and parking management plan that minimizes traffic interference and maintain traffic flow.
- Identify sensitive receptors in the project area, such as children, elderly, and infirm, and specify the means by which you will minimize impacts to these populations. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.

Greenhouse Gases

EPA appreciates the additional information included in the Proposed Final EA on greenhouse gas emissions (GHG); however, we encourage FAA to include information on how the County's Sustainability Resolution will be implemented specifically with respect to this Project. The Final EA and FONSI should identify any sustainable building design and operational measures that can be identified as reducing GHGs and how this will help meet the sustainability and greenhouse gas goals included in the County's Sustainability Resolution.

Impacts to Wildlife

EPA remains concerned about the potential impacts to bighorn sheep resulting from the 200 daily helicopter operations anticipated by 2017. The Final EA should fully discuss the three flight paths and compare their impacts to wildlife. It is not clear from the document why the route over the Sloan Canyon National Conservation Area (NCA) would be selected as an option given the potential to disturb bighorn sheep and given there are two alternatives that would avoid the Sloan Canyon NCA. The Final EA should provide additional information in this respect to help inform future decision making.

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We appreciate the opportunity to comment on the Proposed Final EA and look forward to continued coordination on this and future aviation projects in Nevada. If you have any questions, please contact me, the lead reviewer for this project. I can be reached at 415-972-3238 or plenys.thomas@epa.gov.

Sincerely,

Tom Plenys
Environmental Review Office

cc: Lewis Wallenmeyer, Clark County Department of Air Quality and Environmental Management
Pamela Adams, Clark County Department of Aviation
Mike Jewell, U.S. Army Corps of Engineers
Del Abdalla, Federal Highway Administration

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FEA003 Plenys, Tom, U.S. Environmental Protection Agency, 1/28/2009.

FEA003-1
Comment: On May 9, 2008, our Draft EA comments included several recommendations to ensure the integration of the heliport with transit alternatives to and from Las Vegas.

Response: Comment noted. Responses to EPA's comments on the Draft EA are included in the Appendix L of the Final EA.

FEA003-2
Comment: Additionally, our comments discussed concerns pertaining to wildlife and air quality as well as cumulative impacts.

Response: Comment noted. Responses to EPA's comments on the Draft EA are included in the Appendix L of the Final EA.

FEA003-3
Comment: EPA also recommended clearly identifying measures to avoid and minimize operational and construction-related impacts from the proposed Project.

Response: Comment noted. Responses to EPA's comments on the Draft EA are included in the Appendix L of the Final EA.

FEA003-4
Comment: EPA commends the efforts of the Federal Aviation Administration (FAA) and its consultants to respond to on the Draft EA. As a result a number of our concerns have been addressed. We note in particular that the Proposed Final EA includes additional clarifying information on operational emissions, greenhouse gases, and conformity. We were particularly pleased to note that the Clark County Department of Aviation (CCDOA) included a section on Hazardous Air Pollutants (HAPs) in the Proposed Final EA which quantified HAP emissions for the Proposed Action and the No Action alternatives. We were also pleased to see new information in the Proposed Final EA accounting for the expected increase in motor vehicle trips between the proposed Heliport and the Las Vegas Strip, information previously absent in the Draft EA.

Response. FAA included HAPs inventory for informational purposes, since there is no federal requirement for the analysis of HAPs. FAA appreciates EPA's comments on the improvements to the Final EA prepared in responses to comments received on the Draft EA. FAA points out the document made available for public review was a Final EA not a *Proposed* Final EA. FAA issued a *Proposed Finding of No Significant Impact and Record of Decision.*

FEA003-5
Comment: EPA commends CCDOA for including measures to reduce operational emissions (Proposed Final EA at L-72) such as the hydrant fueling system and cleaner burning gasoline program. These measures should be included as commitments in the Final EA and Finding of No Significant Impact (FONSI) and should be augmented to include a year-round, rather than seasonal clean burning gasoline program.

Response: Comment noted. See Response to Comment FEA003-11. While CCDOA currently plans to use a hydrant fueling system for the proposed Heliport, making this system a requirement would inhibit the flexibility of Clark County to adjust to the actual conditions of the project site by using other aircraft fueling options. The emissions from the proposed Heliport do not exceed the NAAQS and are below the *di minimis* levels for General Conformity analysis. The County Department of Air Quality and Environmental Management (CCDAQEM) has a year-round clean gasoline program. This program adjusts the formulation of fuels to meet with seasonal weather

conditions. It is the responsibility of CCDAQEM to work with the state of Nevada and EPA to develop State Implementation Plans, as appropriate.

FEA003-6
Comment: We also commend FAA for including the U.S. Fish and Wildlife Service (USFWS) Biological Opinion and recommend that the FONSI include a firm commitment to the reasonable and prudent measures proposed (Final EA at L-75) by USFWS.

Response: Section VI of the FONSI/ROD states: *"In accordance with 40 CFR § 1505.3, the FAA will take appropriate steps, through Federal funding grant assurances and conditions, Heliport Layout Plan approvals, and contract plans and specifications, to ensure that the mitigation actions are implemented during project development, and will monitor the implementation of these mitigation actions, as necessary to assure that representations made in the Final EA with respect to mitigation are carried out. There are no approvals contained in this FONSI/ROD that are specifically conditioned upon full implementation of these mitigation measures. The Proposed Action alternative does require mitigation measures mandated by the U.S. Fish and Wildlife Service."*

FAA believes grant-in-aid assurances and special conditions in any grants issued to Clark County for construction of this facility are adequate contractual commitments to implementing the various mitigation measures identified in Section VI of the FONSI/ROD and Chapter 4 of the Final EA.

FEA003-7
Comment: EPA continues to recommend that the construction of a heliport include convenient transit options between Las Vegas and the heliport. FAA and CCDOA should work with the Regional Transportation Commission and pursue opportunities to incorporate transit options to the Heliport that could result through coordination with the proposed Southern Nevada Supplemental Airport and associated transit alternatives to Las Vegas. EPA recommends FAA remain proactive in determining whether transit alternatives can serve both the proposed Southern Nevada Supplemental Airport and the Proposed Project.

Response: See Response to Comments W-4 and W-5 in the Final EA. There are no planned or funded transit projects, i.e. bus service or light rail service that would likely stop at the proposed Heliport or the proposed Southern Nevada Supplemental Airport (SNSA). The proposed Heliport is to be located 15 miles south of the Las Vegas Strip, and the proposed SNSA 30 miles south of McCarran International Airport, north of the Nevada/California state line.

As discussed in the Response to Comments W-4 and W-5 in the Final EA, transportation to and from the Heliport is expected to be by multiple passenger vehicles transporting customers to their hotels. This would be a form of transit, but not a public transit system. It would not prohibit customers of the Grand Canyon tour operators from using private vehicles. Also as stated in Response to Comment W-4, the two proposed High Speed Ground Transportation projects do not have planned stops at the proposed Heliport site or the SNSA site.

For the proposed SNSA, FAA is encouraging DesertXpress and CCDOA to work together to develop a spur line into the proposed airport, if possible as an additional modal method of accessing the airport. DesertXpress is a privately funded proposal. The Federal Railroad Administration has the responsibility for ensuring safety on this private proposal.

It is also important to understand that the two aviation facility systems will operate significantly differently. The proposed SNSA would accommodate long-haul (greater than 1,000 mile stage length) flights using fixed wing commercial aircraft into the Las Vegas area. SNSA may also accommodate smaller general aviation aircraft, where pilots and other occupants may choose to use the Resorts/Casinos in Jean and Primm. The Heliport is for Grand Canyon Tour operations where the flights begin and end at the same location. These flights are sightseeing flights and are not transportation flights from one community to another. Further, flights to and from the Heliport based on demand. This is not the same as scheduled air carrier service at the proposed SNSA and schedule service that currently occurs at McCarran International Airport. Development of a private transit system would be a business decision by a potential proponent.

Should a future proponent or sponsor for a surface transit system wish to develop stops at both facilities, FAA would encourage CCDOA to accommodate the transit system at both facilities, if and when they may be built. While FAA encourages development of transit into aviation facilities, the use of grant-in-aid funding for transit though the Airport Improvement Program is limited to only facilities for exclusive airport use on dedicated airport property pursuant to the Airport and Airway Improvement Act of 1982, as amended. Federal funding of public transit and heavy rail passenger systems is the responsibility of the Federal Transit Administration and Federal Railroad Administration, respectively.

FEA003-8
Comment: EPA continues to recommend that the Final EA be revised to include a thorough indirect impact and cumulative impact assessment related to air quality, which should include an analysis of all reasonable foreseeable actions including the Southern Nevada Supplemental Project. Given the potential for land use changes, potential population increases, increases in air traffic in the Project vicinity and potentially significant increase in vehicular traffic, the proposed Project, should be analyzed with consideration of these anticipated cumulative effects. These types of projects, identified within and around the proposed Project, should be included in the cumulative impact analysis. As discussed in our May 9, 2008 comments, rather than deferring a discussion of how cumulative air quality impacts will be analyzed to a future, separate document or project, EPA believes that this is an appropriate venue to highlight how cumulative impacts to air quality will be addressed.

Response: See response to comments W-6, W-7 and W-9 of the Final EA, Section 3.6.2 and Appendix E of the Final EA. As stated in Response to Comment W-7, the proposed Heliport site and land adjacent to the project area is public land managed by the Bureau of Land Management (BLM). This area is outside of the BLM disposal area and therefore would preclude the introduction of new populations to the area near the proposed Heliport. Section 4.22.1.1 of the Final EA discloses the temporal and spatial boundaries that were delineated for analysis of cumulative impacts. The proposed SNSA is outside of these boundaries. While the SNSA project is outside the temporal and spatial boundaries, Section 4.22.1.4 discloses this proposed project. FAA can appreciate EPA's desire for including potential impacts of the SNSA project into the Final EA for the Heliport. However, FAA and CCDOA did not include cumulative air quality analysis for the SNSA project because the air quality analysis of the proposal cannot begin until after FAA's Air Traffic Organization (ATO) has completed its airspace design for the new airport to ensure it can be operated both safely and efficiently in the National Airspace System. After ATO completes its work, FAA can then begin its air quality analysis of the proposal, which is expected to take at least 18-months. The publication of the Draft Environmental Impact Statement for the SNSA project is not anticipated until sometime in 2012. Consequently, there is no reliable information to include a meaningful analysis of cumulative impacts of the proposed SNSA project into the Final EA for the proposed Heliport. Therefore attempting to include these impacts for the proposed airport before FAA has completed its Airspace analysis is premature.

FEA003-9
Comment: EPA was pleased to note that the Proposed Final EA includes several mitigation measures to reduce construction emissions, as well as reference to the Clark County Air Quality Regulations, construction and dust permit conditions and EPA, state and county requirement, with which the project must comply.

Response: Comment noted. See Response to Comment FEA003-3.

FEA003-10
Comment: EPA commends FAA for incorporating multiple measures to reduce air quality impacts expected to result from future construction associated with this project. In light of the serious health impacts associated with PM 2.5 (fine particulate matter) and diesel exhaust exposure, we recommend that the best available control measures for these pollutants be implemented at all times and reiterate our previous comment to incorporate a Construction Emission Mitigation Plan as part of the Final EA and FONSI.

Response: See Responses to Comments W-15 and W-16 of the Final EA. Section 4.20.3 of the Final EA does, in fact, incorporate strategies to reduce fugitive dust emissions. CCDOA and its construction contractors would comply with all construction and dust permit conditions and will prepare a dust mitigation plan in conformance with the Clark County Air Quality Regulations. CCDAQEM works closely with the state of Nevada and EPA Region IX in developing the State Implementation Plans for the non-attainment areas within Clark County. Any further enhancements desired by the EPA to the SIP should be addressed and coordinated as appropriate consistent with the Clean Air Act and its implementing regulations.

On April 14, 2008, the U.S. EPA recognized Clark County's Particulate Matter Program. EPA's News Release stated: " *For many years, the Las Vegas Valley severely violated air quality standards for PM-10 airborne particulate matter. Fugitive dust contributed substantially to this problem, but there were thousands of PM-10 sources spanning an area of over 300,000 acres. In an unprecedented strategy, Clark County adopted fugitive dust rules more stringent than any prior program in the country and employed a team of 28 field compliance officers dedicated to enforce fugitive dust regulations. To make its approach effective, the program targeted large construction sites and conducted an extensive public outreach campaign to educate owners of large expanses of vacant residential land. The department also funded new research in PM-10 paved-road and vacant-land emissions, which provides new techniques with greater accuracy for estimating emissions. Clark County's advanced dust control program serves as a national model and has been integral in leading the Las Vegas Valley to achieve PM-10 concentrations below the EPA's standard.*" This news release is available on the world wide web at: http://yosemite.epa.gov/opa/admpress.nsf/0/130BA454E38791038525742B006DEB79

FEA003-11
Comment: We recommend that all construction mitigation measures listed in the Proposed Final EA, all applicable requirements under Clark County Air Quality Regulations, and the following additional measures be incorporated into a Construction Emissions Mitigation Plan, where feasible and appropriate in order to reduce impacts associated with fugitive dust and emissions of PM 2.5, diesel exhaust, and mobile sources air toxics under construction related activities.

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water to chemical/organic dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays and windy conditions.
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth moving equipment to 10-mph.

Response: See Response to Comment FEA003-8. The three methods for controlling fugitive dust during construction, recommended by the U.S. EPA are collectively included in Clark County Air Quality Regulations 41, 90, 94 and where referenced in the regulations, in the County's Construction Activities Dust Control Handbook. Response to Comment W-19, in the Final EA, states CCDOA would comply with federal and State of Nevada vehicle emission standards and CCDAQEM emission reduction control strategies as documented in existing State Implementation Plans and the Clark County Air Quality Regulations. Since the CCDOA intends to comply with the appropriate laws and regulations incorporation of EPA's recommendation on fugitive dust controls in the FONSI/ROD is not needed, as they are already required by rule or regulation.

FEA003-12
Comment: Mobile and Stationary
- Reduce use, trips and unnecessary idling from heavy equipment.
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that

construction equipment is properly maintained, tuned, and modified consistent with established specifications.
- Prohibit any tampering with engines and require continuing adherence to manufacturers' recommendations.
- If practicable, lease new equipment meeting the most stringent of applicable Federal or State Standards. In general, only Tier 2 or newer engines should be employed in the construction phase, given the scale of the construction project.
- Utilize EPA-registered particulate traps and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site.

Response: See Response to Comment FEA003-8. The first Mobile and Stationary source control recommendation is addressed under Clark County Air Quality Regulation Section 45 and Nevada Revised Statutes (NRS) 445B. The second, third and last recommendation are collectively covered in NRS 445B and Nevada Administrative Code (NAC) Chapter 445B. Since the emissions of the proposed project do not exceed the NAAQS, and are below the *de minimis* levels and are therefore presumed to conform to the State Implementation Plan as described in Sections 4.4.2.2 and 4.4.2.3 in the Final EA, there is no requirement to include this recommended measure as a condition of approval in the FONSI/ROD.

FEA003-13
Comment: Administrative controls:
- Identify all commitments to reduce construction emissions and update the air quality analysis to reflect additional air quality improvements that would result from adopting specific air quality measures.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility.
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking (Suitability of control devices is based on whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public).
- Utilize cleanest available fuel engines in construction equipment and identify opportunities for electrification. Use low sulfur fuel (diesel with 15 parts per million or less) in engines where alternative fuels such as natural gas are not possible.
- Develop construction traffic and parking management plan that minimizes traffic interference and maintain traffic flow.
- Identify sensitive receptors in the project area, such as children, elderly, and inform, and specify the means by which you will minimize impacts to these populations. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.

Response: See Response to Comment FEA003-8. As described in Section 4.4.1 of the Final EA, the proposed project would not cause or contribute to exceedances of the National Ambient Air Quality Standards; therefore implementation of the suggested Administrative Controls to be added to the Final EA would not result in a different finding on the severity of air pollutant emissions. For the first three Administrative Control recommendations; please see Response to Comment FEA003-9. Recommendation 4 is already included in the Clark County Air Regulation Section 29, *Sulfur Contents of Fuel Oil* and in Section 54, *Cleaner Burning Gasoline: Wintertime Program.* These two portions of the Clark County regulation address local fuel and/or sulfur content requirements. Recommendation 5 is addressed by Clark County's *Construction Activities Dust Control Handbook*. For Recommendation 6, as stated in the Section 3.6.1 of the Final EA, the heliport site is vacant and undeveloped BLM-managed land. There are no residences or other sensitive receptors near the project area. Therefore inclusion of Recommendation 6 does not apply.

FEA003-14
Comment: We encourage FAA to include information on how the County's Sustainability Resolution will be implemented specifically with respect to this project. The Final EA and FONSI should identify any sustainable building design and operational measures that can be identified as reducing GHGs [Greenhouse Gases] and how this will meet the sustainability and greenhouse gas goals included in the County's Sustainability Resolution.

Response: Currently, Clark County is in the scoping phase of its Sustainability Program. A Sustainability Task Force has been formed to develop short-, mid-, and long-term goals, and is exploring and analyzing various possible sustainability strategies and initiatives. At this time it is premature to include any information into FAA's FONSI/ROD for the proposed Heliport concerning the County's Sustainability Resolution.

A report by the task force is due to the Clark County Board of County Commissioners in April 2009. CCDOA has representation on the County's Sustainability Task Force and, as such, will monitor its progress and any comply with any applicable mandates that develop from it and from the proposed Clark County Office of Sustainability, if created.

FEA003-15
Comment: EPA remains concerned about the potential impacts to bighorn sheep resulting form the 200 daily helicopter operations anticipated by 2017. The Final EA should fully discuss the three flight paths and compare their impacts to wildlife.

Response: See Response to Comments E-1, W-20, W-21 X-2, X-4 and X-5 in the Final EA.

FEA003-16
Comment: It is not clear from the document why the route over the Sloan Canyon National Conservation Area (NCA) would be selected as an option given the potential to disturb bighorn sheep and given there are two alternatives that would avoid the Sloan Canyon NCA. The final EA should provide additional information in respect inform future decision making.

Response: See Response to Comments E-1, W-20 and W-21 in the Final EA. As stated in those responses, the legislation for the transfer of the South of Sloan site makes specific reference for the for-profit helicopter air tour flights that leave from or return to a heliport on this parcel and are flown through the Sloan Canyon NCA. The McCullough Corridor was defined to avoid the highest ridges in the Sloan Canyon NCA and big game guzzlers (water catchment locations). As stated in Section 4.10.3 of the Final EA Grand Canyon helicopter tour operations typically follow direct routes with limited ad hoc deviations to other points of interest. Hovering or circling activities are not likely to occur. Therefore, it is not anticipated that the Proposed Action would substantially impact the desert bighorn sheep.

As noted in Response to Comment E-1 of the Final EA, neither FAA nor CCDOA has the authority to mandate flight corridors or the use of those corridors in uncontrolled airspace.

END OF RESPONSES TO COMMENTS

BLM Library
Denver Federal Center
Bldg. 85, OC-521
P.O. Box 25047
Denver, CO 80225